

# A History of England

BY

JOHN LINGARD, D.D.

VOL. XII.



A. R. 1704

R. Goo. 72

WINDMILL.  
BALDWIN & CRADOCK, PATERNOSTER ROW  
1830.



A  
HISTORY OF ENGLAND,  
FROM THE FIRST  
INVASION BY THE ROMANS.

BY  
JOHN LINGARD, D.D.

---

THE FOURTH EDITION,  
CORRECTED AND CONSIDERABLY ENLARGED.

IN THIRTEEN VOLUMES

---

VOL. XII.

---

LONDON: .0.1  
BALDWIN AND CRADOCK,  
PATERNOSTER ROW.  
1839.

2634  
r 2.1

090

LONDON  
Printed by W & LOWES and SONS  
Stanford Street

2684/RR2/1/RR



# CONTENTS

OF

## THE TWELFTH VOLUME.

---

### CHAPTER I.

### CHARLES II.

CHARACTER OF THE CABAL—STOPPAGE OF PAYMENTS FROM THE EXCHEQUER—DECLARATION OF INDULGENCE—OF WAR AGAINST THE STATES—VICTORY AT SOUTHWOLD BAY—FRENCH CONQUESTS BY LAND—PROCEEDINGS IN PARLIAMENT—THE INDULGENCE RECALLED—THE TEST ACT PASSED—NAVAL ACTIONS—DISGRACE OF SHAFTESBURY—ADDRESSES AGAINST LAUDERDALE AND BUCKINGHAM—IMPEACHMENT OF ARLINGTON—CONCLUSION OF PEACE—DESIGN OF EXCLUDING THE DUKE OF YORK—REPEATED PROROGATIONS OF PARLIAMENT—INTRIGUES OF MONMOUTH—OF ARLINGTON—PROCEEDINGS OF THE POPULAR PARTY—NON-RESISTING TEST OF DANBY—DISPUTE RESPECTING APPEALS—ANOTHER SESSION—REVIVAL OF THE DISPUTE—MOTION FOR DISSOLUTION OF PARLIAMENT—PROCEEDINGS IN SCOTLAND—AND IRELAND.

The cabal, *page* 1. Arlington, 2. Clifford, *ib.* Buckingham. 3. Lauderdale, *ib.* Ashley. 4. Their religion, 5. They shut up the exchequer, 7. Fail in an attack on the Dutch fleet, *ib.* Grant indulgence to dissenters, 9. Which is accepted by them, 11. Declaration of war, *ib.* Naval affairs, 12. Battle of Southwold bay, 13. Conduct of the duke of York, 14. Death of the earl of Sandwich, *ib.* Victory of the English, 15. They pursue the Dutch, *ib.* Conquest by the French, 16. Proceedings in England, 18. Clifford made treasurer, 20. Elections during the prorogation, *ib.* Opening of parliament, 21. New elections cancelled, 22. The supply voted, *ib.* Address against the

declaration of indulgence, 23. The king appeals to the lords, 24. He cancels the declaration, 25. Test act introduced, 28. Test act passed, 29. Dissenters' relief bill, 29. Remarks, 30. Campaigns by land, 31. Resignations, 32. Actions at sea, 33. Congress at Cologne, 34. Meeting of parliament, 35. Its prorogation, 36. Disgrace of Shaftesbury, 36. Marriage of the duke of York, 37. Twelfth session of parliament, 38. Removal of ministers, 39. Proceedings against Lauderdale, 40. Proceedings against Buckingham, 41. Proceedings against Arlington, 42. Orders of the house of lords, 43. Proposals of peace from the States, 44. Treaty, 45. Designs against the duke of York, *ib.* Projects of that prince, 47. Prorogation, 48. The duke of Monmouth, *ib.* Intrigues of the prince of Orange, 50. Intrigues of Shaftesbury, 51. Intrigues of Arlington, 52. Plans of the opposition, 53. Plans of the ministry, 55. Remonstrance of the duke of York, 56. Opening of the session, *ib.* Proceedings in the house of commons, 57. Non-resisting test in the house of lords, 59. Debate on the declaration, 60. Debate on the oath, 63. Objections, *ib.* The test as amended in the committee, 64. Dispute respecting appeals, 65. Prorogation, 67. Another session, 68. Renewal of the contest between the houses, *ib.* Account of Luzancy, 71. Transactions in Scotland, 73. Attempt on the life of Sharp, 74. Indulgence to ejected ministers, 75. Proceedings in parliament, *ib.* Act against field conventicles, 77. Attempt at "comprehension," 78. The second indulgence, 79. Opposition in parliament, 80. Increase of conventicles, 81. Ireland, 82. Recall of Ormond, 83. Claims of the natives, 83. Commission of review, 81. Commission dissolved, *ib.* Act of settlement reviewed, 85.

## CHAPTER II.

CONGRESS AT NIMEGUEN—SECRET TREATY WITH LOUIS XIV.—  
DEBATES ON THE LEGALITY OF THE PARLIAMENT—PENSION  
FROM FRANCE—INTRIGUES AND CONQUESTS OF LOUIS—OPPO-  
SITION TO THE KING IN PARLIAMENT—PEACE BETWEEN  
FRANCE AND THE STATES—GENERAL PEACE—PLOT FORGED  
BY TITUS OATES—THE TEST ACT—ACCUSATION OF THE QUEEN  
—TRIALS AND EXECUTIONS—PERFIDY OF MONTAGUE—IM-  
PEACHMENT OF DANBY—PROROGATION.

Congress at Nimeguen, 86. Secret treaty with France, 88.  
A season of tranquillity, 90. Proclamation against coffee-

houses, 91. French depredations, 92. Dispute respecting the legality of the parliament, 93. Opening of the session, 1677, *ib.* Debate in the commons, 94. In the house of lords, *ib.* The four lords committed, 95. Views of parties, *ib.* Bills for the security of the church, 96. Rejected by the commons, 97. Grants of money, 98. Addresses for war, 99. Adjournment, 100. Pension from France, 101. Lords discharged from the Tower, 103. Arrival of the prince of Orange, 104. His marriage with the princess Mary, 105. Conferences respecting peace, *ib.* Charles proposes terms to Louis, 106. Answer of Louis, 107. Who seeks to bribe the king and his ministers, 109. And intrigues with the popular party, 110. And with the Dutch, 112. Opposition in parliament, 113. Charles makes a new proposal, 115. Louis takes Ghent and Ipres, 116. Proceedings in parliament, *ib.* New project of peace, 118. Refusal of a supply, 120. The States agree with France, 121. Charles concludes a secret treaty, 122. Second refusal of a supply, 123. Treaty against France, 124. Peace at Nimeguen, 125. Battle of St. Denis, 126. Mons is relieved, 126. All the powers consent to peace, 127. Titus Oates, 129. His confederacy with Tonge, 130. They forge a plot, 131. It is disclosed to the king, 132. Five forged letters, 133. Oates makes an affidavit, 134. He is called before the council, *ib.* His narrative, 135. And subsequent examination, 137. Seizure of papers, 138. And of Coleman's correspondence, 138. The king goes to Newmarket, 141. Death of sir Edmondbury Godfrey, 142. Excitement of the people, 143—Ferment at the meeting of parliament, 144. Additional disclosures of Oates, 145. The bill for excluding catholics, 146. Vote of both houses, 147. Funeral of Godfrey, *ib.* Precautions, 148. Address against the duke of York, 149. The test bill passed, 151. A new witness comes forward, 153. Depositions of Bedloe, 154. Their absurdity, 156. A divorce proposed to the king, 157. Oates accuses the queen, 157. Bedloe also accuses her, 158. The lords refuse to join with the commons, 159. Trials on account of the plot, 160. Trial of Stayley, 161. Of Coleman, 162. Of five others, 163. Information of France, 164. Montague's intrigue against Danby, 165. Who seizes Montague's papers, 167. But Danby's despatches are saved, *ib.* And are read to the house, 168. Impeachment of Danby, 169. Montague's baseness, 170. Danby's defence, 171. Prorogation of parliament, 172.

## CHAPTER III.

THE DUKE OF YORK QUITS THE KINGDOM—DANBY PARDED BY THE KING, BUT IMPRISONED—NEW COUNCIL—DEBATE ON THE BILL OF EXCLUSION—PROROGATION—EXECUTION OF MITCHELL IN SCOTLAND—MURDER OF ARCHBISHOP SHARP—VICTORY AND DEFEAT OF THE COVENANTERS—TRIAL AND EXECUTION OF FIVE JESUITS—OF LANGHORNE—ACQUITTAL OF WAKEMAN—DISSOLUTION OF PARLIAMENT—PETITIONERS AND ABHORRERS—BILL OF EXCLUSION LOST IN THE HOUSE OF LORDS—TRIAL AND EXECUTION OF VISCOUNT STAFFORD.

A new parliament, 173. The duke is forced to quit England, 175. Dispute respecting the choice of a speaker, 176. A pardon granted to Danby, 178. And objected to by the commons, 179. Danby is sent to the Tower, 181. Prosecution of the plot, *ib.* Plea of the lords in the Tower, 183. Trial and conviction of Reading, *ib.* Plan of a new council, 185. Their names, 186. The king's policy, 188. Plans of Shaftesbury, *ib.* Expedients proposed by the king, 189. Rejected by the house, 190. Bill of exclusion, *ib.* Reasons in its favour, 191. Reasons against it, 192. Right of bishops to vote at trial of peers, 193. Inquiry into bribes taken by members, 195. Prorogation of parliament, 196. Habeas corpus act, *ib.* Affairs of Scotland, 197. Trial and execution of Mitchell, 199. Projects of revenge, 201. More coercive measures, *ib.* Murder of archbishop Sharp, 203. Insurrection, 204. Victory of the insurgents, 205. Their infatuation, 206. Their defeat at Bothwell-bridge, 207. Trial of the jesuits, *ib.* And of Langhorne, 209. Their execution, 210. Trial of Wake-man and others, 211. Who are acquitted, *ib.* Execution of priests on account of their character, 213. Dissolution of parliament, 214. The duke of York in Brussels, *ib.* He visits the king at Windsor, 215. Goes to reside in Scotland, 217. Unexpected prorogation, 218. Its cause, *ib.* Rewards given by France, 219. Plans of the popular leaders, 220. Recall of Monmouth, 221. A seditious libel, 222. Petitions for sitting of parliament, *ib.* Counter addresses, 224. Recall of the duke of York, 225. Denial of Monmouth's legitimacy, 226. Duke of York presented for recusancy, 226. Whig and Tory, 227. Account of Dangerfield, *ib.* He is sent to Newgate, 229. Turns informer, *ib.* His testimony is disbelieved, 230. The Yorkshire plot, 231. Conduct of the king, 232. Of the duke of York, 233. Of the prince of Orange, 233. Of the duke of

Monmouth, 234. Intrigue against James, 235. Who returns to Scotland, 237. Intrigues of Barillon, *ib.* Disclosures to the house of commons, *ib.* Bill of exclusion ordered, 240. Accession to the Whig party, *ib.* Debate on the bill, 241. Message from the king, 242. The bill is passed, 243. But is lost in the house of lords, 244. Proceedings of the commons, 244. Of the lords, 245. Trial of lord Stafford, 247. The first day, *ib.* Evidence against the prisoner, 249. Dugdale, 250. Oates, *ib.* Turberville, 250. His defence, 251. Objections to Dugdale, *ib.* And Oates, 252. And Turberville, 253. Reply of the managers, 254. The prisoner's exceptions, 255. He is condemned, 255. Causes of his condemnation, 256. His speech to the house of lords, *ib.* He is urged to confess, 258. Objections to the warrant of execution, 259. His death, 262.

## CHAPTER IV.

PROJECT OF LIMITATIONS—VIOLENCE OF THE HOUSE OF COMMONS—DISSOLUTION OF PARLIAMENT—NEW PARLIAMENT AT OXFORD—REJECTION OF EXPEDIENTS—IMPEACHMENT OF FITZHARRIS—DISSOLUTION—TRIAL AND EXECUTION OF FITZHARRIS—OF PLUNKETT—OF COLLEGE—DISCHARGE OF HOWARD, ROUSEL, SHAFTESBURY—AFFAIRS OF SCOTLAND—PARLIAMENT—ARGYLE REFUSES THE TEST—IS TRIED, CONDEMNED, AND ESCAPES—FLIGHT AND DEATH OF SHAFTESBURY—RYE-HOUSE PLOT—EXECUTIONS—LORD WILLIAM RUSSELL, COLONEL SIDNEY—PARDON OF MONMOUTH—POWER OF THE DUKE OF YORK—INTRIGUES OF HALIFAX—DEATH AND CHARACTER OF CHARLES.

Attempts to change the king's resolution, 263. Project of limitations in the house of lords, 265. Violent proceedings in the house of commons, 266. Votes against the king's friends, 267. Dissolution of parliament, 269. Petition of sixteen peers, 270. Secret treaty with Louis, 271. Meeting of parliament at Oxford, 272. King's speech, *ib.* Expedient in place of exclusion, 273. Rejected by the house of commons, 274. History of Fitzharris, 275. He is impeached by the commons, 277. The impeachment rejected by the lords, 278. And the parliament suddenly dissolved, 280. King's declaration, 281. Answer of his opponents, 282. Trial of Fitzharris, 284. His execution, 285. And of archbishop Plunkett, *ib.* Designs against the popular leaders, 287. Charge against lord Howard, 288. Trial

and execution of College, 289. Discharge of Rouse, 290. And of Shaftesbury, 291. Addresses to the king, 292. Who reforms the magistracy, 293. Enforces the law against conventicles, *ib.* And brings an action against the city, 294. The Cameronians in Scotland, 295. They excommunicate the king, 296. Seventies against them, 297. Conduct of James in Scotland, *ib.* He is refused permission to return, 299. Scottish parliament, 300. A new test, 301. Opposed by the clergy, 302. By some of the laity, *ib.* It is taken by Argyle with limitations, 303. Argyle is imprisoned, 304. And condemned, but escapes, 305. His lands restored to his family, 306. The duke is recalled to England, 307. Election of lord mayor and sheriffs, 309. Sunderland reconciled to the duke, 310. Monmouth held to bail, 312. Flight and death of Shaftesbury, 313. Prosecutions, *ib.* Judgment against the city, 315. Rye-house plot, 316. Arrests, 317. Trial of lord William Russell, 318. He is found guilty, 320. Petitions for his life, 321. His execution, 324. Publication of his speech, *ib.* The Oxford decree, 326. Jeffreys, chief justice, 327. Trial of Sydney, 328. Charge of the chief justice, 330. Condemnation of Sydney, 331. Pardon of Monmouth, *ib.* Who recants, 334. And is banished from court, 335. Death of Sydney, 336. His character, *ib.* Trial of Hampden, 337. Execution of Holloway and Armstrong, 338. Marriage of the princess Anne, 340. Surrender of charters, 341. New prosecutions, 342. Discharge of the lords in the Tower, 343. Intrigues of Halifax 344. The duke of York recalled to the council, 345. Promotion of Hyde, *ib.* Attempt at toleration, 345. Proceedings of Monmouth, 348. Danger of Halifax, 349. Last sickness of the king, 350. He is reconciled to the church of Rome, 353. His death, 355. His character, *ib.*

NOTES . . . . . 361

# LINGARD'S

## HISTORY OF ENGLAND.

---

### CHAPTER I.

#### CHARLES II.

Character of the Cabal—Stoppage of payments from the exchequer—Declaration of indulgence—Of war against the States—Victory at Southwold Bay—French conquests by land—Proceedings in parliament—The indulgence recalled—The Test Act passed—Naval actions—Disgrace of Shaftesbury—Addresses against Lauderdale and Buckingham—Impeachment of Arlington—Conclusion of peace—Design of excluding the Duke of York—Repeated prorogations of parliament—Intrigues of Monmouth—Of Arlington—Proceedings of the popular party—Non resisting test of Danby—Dispute respecting appeals—Another session—Revival of the dispute—Motion for dissolution of parliament—Proceedings in Scotland—And Ireland.

THOUGH the second of the secret treaties with France had been concluded in January, the ratifications were not exchanged till June, at which time it is probable that Charles had consented to engage in the projected war against the States, and to postpone to an indefinite period the announcement of his conversion. Louis had already sent presents to the commissioners who signed the secret treaty at Dover; he now sent others to Buckingham, Ashley, and Lauderdale, who had signed the second treaty in June. In this there was nothing unusual; but, to bind the leading ministers more strongly to his interests, he granted a pension of ten thousand livres to lady Shrewsbury, the mistress of Buckingham; and, when a similar pension was declined by Arlington, bestowed a magnificent present on his wife\*. The only privy counsellors entrusted with

\* Dalrymple, ii. 81, 82. Buckingham, to enhance the merit of his services, asserted that the Spaniards had offered him 200,000*l*. Colbert

the secret of the king's connexion with Louis were Arlington, Clifford, Buckingham, Ashley, and Lauderdale; who formed the cabinet or cabal, in which, according to the practice introduced by Clarendon, every measure was debated and determined before it was submitted, for the sake of form, to the consideration of the council.

1°. Of these ministers, Arlington, originally sir Henry Bennet, had signalized himself in the civil war, during which he received a sabre wound in the face. From Madrid, where he resided as ambassador from the king, he was recalled and introduced into the ministry by the enemies of Clarendon. To strength of mind or brilliancy of parts he had few pretensions; but he was an easy and pleasing speaker, was well acquainted with the routine of business, and covered the deepest cunning under the most insinuating address. As the best bred man in the English court, he acquired the favour of the king and of the foreign noblemen whom business or pleasure brought to the capital; and Charles, as a proof of his esteem, caused the lord Harry, afterwards the duke of 1672. Grafton, his son by Castlemaine created Duchess of Aug. Cleveland, to marry the daughter of Arlington, a most beautiful child only five years old. In the cabinet, the 1 prudence of this minister shrunk from the responsibility of being the foremost to suggest or to defend measures of doubtful tendency; and his timidity afterwards proved his safeguard. It was taken for moderation, and served to mitigate the displeasure and resentment of the people. He retained to the last the favour of his sovereign\*.

2°. The influence which Clifford, by his industry and eloquence, had acquired in the house of commons, had

\* observes, "Je crois qu'il n'en est rien, mais je crains que l'appetit de ces "nouveaux commissaires (Buckingham, Ashley, and Lauderdale) ne soit "grand." Ibid 81.—By a singular coincidence, the initials of the names of the five ministers form the word "cabal."

\* Life of James, i. 398. Clarend Pap. iii Sup. lxxxii. Evelyn, ii. 372 432. Macph. i 48. Burnet, i. 170. Clarendon's Life, 181. 196. Works of Sheffield, duke of Buckingham, ii. 84.



originally recommended him to the notice of the ministers: and, under the patronage of Arlington, he had rapidly advanced in preferment. He now held the offices of privy counsellor, treasurer of the household, and commissioner of the treasury. He was brave, generous, and ambitious; constant in his friendships, and open in his resentments; a minister with clean hands in a corrupt court, and endued with a mind capable of forming, and a heart ready to execute, the boldest and most hazardous projects. The king soon learned to prefer his services before those of his more cautious patron\*.

3°. With Buckingham, his levity and immorality, his ambition and extravagance, the reader is already acquainted. Even when he was considered the prime minister, pleasure formed his favourite pursuit. He turned the night into day, and indulged in every sensual gratification "which nature could desire, or wit invent." Charles, much as he was amused with the follies of the duke, frequently treated him with contempt:—his princely fortune (a landed estate of 20,000*l*.) insensibly disappeared; his mind became enfeebled with his body; and he lingered out the last years of his life in penury and disgrace†.

4°. Lauderdale made it the great object of his policy to advance his own fortune by securing the royal favour. He was ungainly in his appearance, and boisterous in his manner; but his experience in business, his ready acquiescence in every wish of the sovereign, and the boldness with which he ridiculed the apprehensions and predictions of his colleagues, endeared him to the monarch. It was not in Lauderdale's disposition to allow principles, either political or religious, to interfere with his interest. A sincere friend to the covenant, he made it the constant subject of ridicule; a violent enemy to the catholics, he lent his support to every measure in their favour; and, with a strong predilection

\* Evelyn, ii. 386, 7. Pepys, Correspondence, v. 79. Macph. i. 48.

† Burnet, i. 171. Macph. i. 467. Evelyn, ii. 355. Clarendon, i. 369. North's Lives, i. 97.

towards a limited and constitutional monarchy, he fearlessly executed in his native country the most arbitrary determinations of the government. For these reasons he had numerous enemies among the dissenters, and the men of liberal principles; and, on another account, he had incurred the hatred of all the cavaliers both English and Scots. He was accused of having been a principal in the sale of Charles I. to the parliament, and of having received a considerable portion of the money. But the efforts of his countrymen to bring him into disgrace recoiled on their own heads. The king remained his friend; Middleton, the chief of his enemies, was removed from the government of Scotland, and that high office, after a decent interval, was bestowed on Lauderdale himself. But his triumph served only to multiply his enemies. The English cavaliers took up the cause of their northern brethren, and waited with impatience for the favourable opportunity of gratifying their vengeance by accomplishing the downfall of the Scottish favourite\*.

5°. Sir Anthony Ashley Cooper formerly possessed the ear of Cromwell; at the restoration, through the influence of Monk, whose friendship he had gained, and of Southampton, whose niece he had married, he was appointed chancellor of the exchequer, and soon afterwards called to the house of lords by the title of baron Ashley. When Charles said of him that he was "the weakest and wickedest man of the age," the king consulted his anger more than his judgment. Ashley possessed talents of the highest order, but made them subservient to his passion and interest. As long as the royal cause promised to be successful, he was careful to suggest the most arbitrary measures and to support them

\* Burnet, i. 171. Clarendon, 51. Miscel. Aut. 212-234. Pepys, 154. In the Scottish parliament, it had been agreed that a certain number of delinquents should be incapacitated from holding office not openly by the majority of votes but secretly by way of ballot, to prevent family feuds between the excluders and the excluded. Among the names was that of Lauderdale. But Charles disapproved of the proceeding, and recalled Middleton. See the pleadings before the king in Miscel. Aut. 104.

at the expense of liberty and justice: but, when the current turned, when the spirit of discontent, which animated the house of commons, led him to anticipate a failure, he divested himself of his employment at court, and, coming forward as the champion of popular right, "usurped a patriot's all-atoning name." But whether he served the king, or the king's opponents, he was still the same character, displaying in his conduct a singular fertility of invention, a reckless contempt of principle, and a readiness to sacrifice the rights of others in the pursuit of his object, whether it were the acquisition of power, or the gratification of revenge\*.

Of these five ministers, Lauderdale adhered to the Scottish covenant; Buckingham, with all his ridicule of bishops and sermons, called himself an orthodox churchman; and Ashley was supposed to belong to no church whatever. Of Arlington and Clifford, it has often been said that they were catholics. But hitherto they had certainly professed themselves protestants, though, perhaps, like many others, for no better reason than because protestantism was in fashion. For, during the revolutions of the last twenty years, the immorality of the royalists, the cant of the fanatics, and the successive prevalence of contrary doctrines in the pulpits, had, especially among the higher classes, unsettled religious opinion, and rendered men indifferent to particular forms of worship. It may, however, be that the knowledge of the duke's conversion, and of the king's sentiments, made impression on Arlington and Clifford. The latter certainly embraced the catholic faith before the close of the Dutch war: Arlington continued a protestant till his last sickness, when he was reconciled to the church of Rome†.

These were the ministers, with whose assistance

\* Macph. 70. Dalrymple, ii 15 Burnet, i 161, 5. Clarendon, 26.  
245

† In May 1671, Evelyn from Clifford's conversation "suspected him a little of warping to Rome" (Evelyn, ii 341-382) In May 1673, he is called "a new convert." Life of James, i 484.

Charles determined to engage in the war against the States: a war from which he promised to himself an abundant harvest of profit and glory, in the humiliation of a republic, the prosperity of which held out to his subjects the example of successful rebellion; in the superiority which the trade of the British merchants would derive from the ruin of their commercial rivals; and in the additional authority with which he would be himself invested at the head of a conquering army and navy. To obtain these results it was necessary to make the most gigantic efforts, and to provide pecuniary funds commensurate with these efforts. An ample supply had been already granted by parliament; to secure the stipulated subsidy from France a third treaty had been concluded with Louis\*; and an additional resource was now discovered by the ingenuity of Ashley or Clifford†. The reader is aware that ever since the time of Cromwell the bankers and capitalists had been accustomed to advance money to the government, receiving in return assignments of some branch of the public revenue till both capital and interest should be extinguished. Hitherto the exchequer had maintained its credit by the punctuality with which it discharged these obligations: but now it was proposed, 1<sup>o</sup>. to suspend all payments to the public creditors for the space

\* It is plain that a third treaty was concluded in the beginning of 1672. Dalrymple notices it as merely a Latin copy of the second treaty, signed on Feb. 5th, but that it was different in some points, appears from this, that the command of the English auxiliaries was given by it to the duke of Monmouth (Dalym. ii. 88). The services of Montague, the English ambassador, were so pleasing to Louis on this occasion, that he solicited Charles to send to the ambassador the order of the garter, and to allow him (Louis) the pleasure of presenting it to Montague. *Cœuv. de Louis*, v. 493. March 21, 1672.

† It seems doubtful with whom this measure originated. Evelyn assigns it to Sir Thomas Clifford (Diary, ii. 361. 385), probably because he was chosen to recommend it to the privy council. In Arlington's letters it is attributed to Lord Ashley; also in the Life of James, "it was he" (Ashley) who advised the shutting up the exchequer." Life, i. 488. See also Burnet, i. 532. Shaftesbury himself in a letter to Locke (Life by Lord King, i. 65.) gives some reasons why, not he, but Clifford, should be thought the author of it; but the care with which he avoids a direct denial provokes suspicion that the charge was well founded.

of twelve months, which would permit the king to devote the whole of his income to the purposes of the war ; and 2°. to add the interest now due to the capital, and to allow six per cent. interest on this new stock, which would afford a reasonable compensation to the holders, for any inconvenience which they might suffer from the delay. Clifford, as one of the commissioners of the treasury, carried this project from the cabinet to the privy council ; he endeavoured to defend it on the ground of state necessity ; and requested that no member would raise objections, unless he were prepared to offer some other expedient equally productive, and equally expeditious\*. Clifford was supported by Ashley ; the council gave its consent ; and the suspension <sup>1672</sup> was announced by proclamation to the public. It <sup>Jan</sup> stated that the safety of the kingdom rendered it necessary <sup>2.</sup> to forbid the payment of any money out of the exchequer in virtue of existing warrants and securities, but promised that the creditors should receive " interest " at the rate of six per cent. ; that no person whatsoever " should be defrauded of anything that was justly due, and " that the restraint should not continue any longer than " one year†." By this iniquitous act, a sum of about 1,300,000*l.* was placed at the disposal of the ministers : but the benefit was dearly purchased with the loss of popularity and reputation. Many of the bankers, who had placed their money in the exchequer, failed ; a general shock was given to the commercial credit of the country, and numbers of annuitants, widows, and orphans were reduced to a state of the lowest distress‡.

In this attempt the five ministers could not fail of success ; in the next they met with a signal defeat. It was known that in the month of March a fleet of Dutch merchantmen, laden with the commerce of the Levant, would pass up the Channel ; and a resolution

\* Temple, ii. 181.

† Declaration. In the Savoy, by the king's printers

‡ L. Journ. xii. 526. North, Examen. 37. Parker, 191. Marvell, ii. 475.

was taken to capture them as lawful prizes, without any previous declaration of war. To the objection that such conduct would resemble the rapacity of the pirate and the highwayman, it was replied, that arrogance and avarice had led the Hollanders to trample on all the received usages of civilized nations, and that they could not reasonably complain, if they received in return such treatment as they had already inflicted upon others \* The States, however, were not to be taken unawares. The immense preparations of Louis had opened their eyes to the danger which menaced them; and the recall of Temple, who had negotiated the triple league, with the mission, in his place, of Downing, a man so hateful in Holland, that he fled back to England to escape the vengeance of the mob †, taught them to suspect that Charles was the secret ally of the French king. Under this impression, they were careful to furnish protection to their merchantmen, and to acquaint their naval commanders with the possibility of a sudden rupture between the two nations. The task of intercepting the Dutch fleet had been intrusted by the English ministers to Sir Robert Holmes, who received orders to take under his command all the ships which he should find at Portsmouth, or should meet at sea. Holmes, at the back of the Isle of Wight, saw the squadron of Sir Edward Spragge, which had recently destroyed the Algerine navy in the Mediterranean; but, unwilling that another should obtain any share in the glory and profit of the enterprise, suffered him to pass by. The next morning he descried his object, sixty sail of merchantmen, many of them well armed, under convoy of seven men-of-war. Van Nesse, the Dutch admiral, saw the design of Holmes, and so admirably did he dispose his force, so gallantly was he seconded by the officers and men under his command, that he completely baffled all the efforts of his enter-

\* See the question discussed in Parker, 121.

† Downing was sent to the Tower for his cowardice. Temple, ii. 180

prising opponent. During the night the English admiral received a reinforcement; in the morning he renewed the action: and at last succeeded in cutting off one man-of-war and four merchantmen, two of which proved of considerable value. The failure was certainly owing to the presumption and ambition of Holmes. To Charles it became a subject of bitter disappointment, both as it diminished the pecuniary resources on which he had reckoned, and as it covered him and his advisers with disgrace: for both his subjects and foreigners united in condemning the attempt, which they would probably have applauded, had it been crowned with success\*.

During the last war with Holland the counsels of government had been distracted, and the most serious alarm had been repeatedly excited, by the close and dangerous correspondence between the foreign enemy and the malcontents within the kingdom. Since that period the number of the latter had been multiplied by the intolerant enactments against the dissenters; and, to apply a remedy to the evil, the king's advisers determined to carry into execution his favourite project of indulgence to tender consciences. With this view, a declaration was published, stating that the experience of twelve years had Mar. proved the inefficacy of coercive measures in matters of 15. religion; that the king found himself "obliged to make  
" use of that supreme power in ecclesiastical matters  
" which was not only inherent in him, but had been de-  
" clared and recognised to be so by several statutes and  
" acts of parliament;" that it was his intention and resolution to maintain the church of England in all her rights, possessions, doctrine, and government; that it was moreover his will and pleasure that "all manner of  
" penal laws in matters ecclesiastical, against whatsoever

\* James, i. 456 Macph Pap. i. 58 Marcell, ii. 478 Heath, 582  
Notwithstanding this attack, both parties faithfully observed the provision in the treaty of Breda, that, in case of a rupture, the ships and merchandise belonging to the subjects of either party, and existing in the ports and territory of the other, should not be molested for six months. *Eae naves, merces, et bona quævis mobilia quæ in portibus et ditione partis adversæ hinc inde hærent et extare dependentur* Dumont, vii. 47

“ sort of non-conformists or recusants, should be from “ that day suspended ; ” and that to take away all pretence for illegal or seditious conventicles, he would license a sufficient number of places and teachers for the exercise of religion among the dissenters, which places and teachers so licensed should be under the protection of the civil magistrate ; but that this benefit of public worship should not be extended to the catholics, who, if they sought to avoid molestation, must confine their religious assemblies to private houses \*.”

This declaration, like the former, had been moved in the council by Clifford, and seconded by Ashley : the provision respecting the catholics was added to satisfy the scruples of the lord keeper. By the public it was received with expressions of applause or vituperation, as men were swayed by interest or religion. Its opponents complained that it tolerated popery, and consequently idolatry ; that, by affording encouragement to schism, and the opportunity of meeting to the factious, it must tend to weaken the stability both of the church and of the throne ; and that it claimed for the king a power subversive of a free constitution,—the power of dispensing with the laws. In reply, it was contended by the advocates of indulgence, that religious opinion was beyond the control of government, and that no people could be powerful abroad, as long as they were divided by dissension at home ; that the public exercise of their worship was still forbidden to the catholics ; that the indulgence, by removing religious discontent, was calculated to strengthen both the church and the throne ; that no claim was set forth by the king, which did not by ancient usage belong to the crown ; and that, of necessity, the power of dispensing with the law in matters ecclesiastical grew out of the ecclesiastical supremacy, and in civil matters, out of the very nature of government : for no form of government could be perfect, in which the ex-



ecutive power did not possess the means of providing for the exigencies of the state during the intervals when the legislative power was not assembled: that to dispense with the penal laws respecting religion had been the practice of every sovereign since the reformation; and that the king himself, during the late war with Holland, had suspended the trade and navigation acts without exciting contradiction or murmur. The result showed the power of interest over principle. The dissenters, who had been in the habit of confining within the narrowest limits the pretensions of the crown, gratefully accepted the indulgence, and presented by their ministers an address of thanks to the king; while the ardent friends of orthodoxy began to dispute their own doctrine of passive obedience, and to think that the prerogative ought to be fettered in those cases, in which it might operate in opposition to their own claims and prepossessions\*.

In a few days appeared the English and French declarations of war. Louis was content to assert that, after the many insults which he had suffered from the arrogance of the States, to dissemble his resentment would be to detract from his glory. Charles condescended MAN  
17. to enumerate the several causes of his displeasure, the unwillingness of the States to regulate with him according to treaty the commerce of the two nations in the East Indies, their perfidious detention of the English traders in Surinam, their refusal to strike to his flag in the narrow seas†; and the repeated insults which had been offered to him personally by injurious medals and

\* For these particulars and reasonings, see Parker, 251—8. Parl. Hist. iv. App. xli. xlii. Arlington to Gascoign, 66. James, i. 455. It is often said, but certainly without authority, that the lord keeper refused to put the seal to the declaration. Had this been the case, he would probably have been dismissed in March instead of November.

† The negotiations on this subject show that the king claimed as a right what the Hollanders would yield only as a compliment. Parker, 106—9. "You must always know my mind and resolution," says Charles to Downing, "is not only to insist upon the having my flag saluted when on their very shores (as it was always practised), but in having my dominion of the seas asserted, and Van Ghent exemplarily punished." Jan. 16. 1672. Lord King's Life of Locke, i. 76.

defamatory publications. It was his duty to maintain the honour of his crown, to preserve the trade and commerce of the nation, and to protect from oppression the persons of his subjects. But, if this consideration compelled him to appeal to arms, it was still his intention to "maintain the true intent and scope of the treaty of Aix-la-Chapelle," in all alliances which he "had made, or should make, in the progress of the war, to preserve the ends thereof inviolable, unless provoked to the contrary\*." In a few days the king of Sweden, the second party to the triple alliance, acceded to the designs of Charles and Louis, and, under the specious pretence of preserving the peace of Germany, bound himself by a second treaty, to make war on any prince of the empire, who should undertake to aid the States in the approaching war between them and the king of France†.

The Dutch were the first at sea: and De Ruyter, with seventy-five men-of-war, and a considerable number of fire-ships, stationed himself between Dover and Calais, to prevent the intended junction of the French and English fleets. The duke of York could muster no more than forty sail at the Nore; but with these he contrived,

\* *Parl. Hist.* iv. 512. *Dumont*, vii. 163, 4. "Yet," says *Marvell*, "it is as clear as the sun that the French had by the treaty of Aix-la-Chapelle agreed to acquiesce in their former conquests in Flanders," and that the English, Swede, and Hollander, were reciprocally bound to "be aiding against whomsoever should disturb that repose." (*Marvell*, ii. 482.) Thus, though it has been repeated hundreds of times, is far from being an accurate exposition of the transaction. The real object of the triple alliance was to compel the crowns of France and Spain to make peace on the terms already offered by France, and to guarantee to Spain the provinces in the Netherlands which should remain to her after that peace—*Tant pour aider à faire finir par leur intervention la guerre qui s'estoit alors allumée entre les deux couronnes, que pour garantir aussi le plus fortement et efficacement, que faire si pourroit, la paix.*—The peace was accordingly made at Aix-la-Chapelle, and the kings of England and Sweden, and the States, signed the act of guarantee—*promettent par ces présentes de garantir le dit traité*—and promised if Louis were, under any pretext whatever, to invade any of the territories belonging to Spain, —*aucun des royaumes, estats, pays, ou sujets du Roy catholique*,—to employ all their forces in resisting the aggression, and obtaining reparation. See the act of guaranty in *Dumont*, vii. 197. In the treaty between Louis and Charles, the treaty of Aix-la-Chapelle was confirmed, and no infraction of it took place during the war.

† *Dumont*, vii. 169. *Miscel. Aul.* 68, 70.

under the cover of a fog, to pass unnoticed by the enemy, May and, proceeding to St. Helen's, awaited the arrival of the French squadron under D'Estrées. The combined fleet now sailed in search of the enemy, whom they discovered lying before Ostend. But the prudence of De Ruyter refused to engage even on equal terms. Availing himself of the shallows, he kept his opponents at bay, and baffled all their manœuvres with a skill which extorted their admiration. At last he reached Goree, and the duke returned to Southwold bay, that his ships might take in their full complement of men and provisions \*.

In a few days, De Ruyter learned, from the captain of a collier, the situation and employment of the English fleet. He suddenly resolved to become the aggressor, sailed from Goree in the evening with his whole force, and would probably have surprised his enemies at anchor, had it not been for the sagacity of Cogolin, the commander of a French frigate. That officer, on account of his ignorance of the coast, had cast anchor during the night at a distance of some miles from Southwold bay. At the first dawn he descried two Dutch men-of-war of equal force, which immediately brought to, and stood from him, and, concluding from these motions, that the main body could not be far distant, he discharged his guns in succession as a signal. James immediately ordered every ship to get under weigh, and take her station in the line: but the wind was easterly, and the tide to leeward, and not more than twenty sail could form to meet the enemy. The duke, with a part of the red squadron, opposed De Ruyter, and the fleet from the Maese; the earl of Sandwich, with part of the blue, Van Ghent and the fleet from Amsterdam. D'Estrées received Banker with the ships from Zeeland: but both stood under easy sail to the southward, and, as they never came to close action, suffered comparatively but little injury †.

\* James, i. 457—61. Miscel. Aul. 69, 70.

† James, i. 461—5.

Seldom has any battle in our naval annals been more stubbornly contested. The English had to struggle with a bold and experienced enemy, and against the most fearful disparity of force. Their ships were so intermingled among the multitude of their opponents, that they could afford little support to each other: still they fought with the most desperate courage, hoping to protract the action till they could be joined by the remainder of the fleet in the bay. About eleven o'clock, the duke's ship, the *Prince*, of one hundred guns, had lost above one-third of her men, and lay a motionless wreck on the water. Having ordered her to be towed out of danger, he passed through the window of the cabin into his shallop, rowed through the enemy's fire, and unfurled the royal standard in the *St. Michael*, of ninety guns\*.

The earl of Sandwich, in the *Royal James*, repeatedly beat off the enemies by whom he was surrounded, carried by boarding a seventy-gun ship which lay athwart his hawse, and killed Van Ghent, the commander of the Amsterdam squadron: but, after an engagement of eight hours, the *Royal James* became unmanageable; of two fire-ships which approached, one was sunk by her guns, the second grappled her on the larboard side; and in a few minutes that noble vessel was enveloped in flames. The duke, from a distance to leeward, saw the blue flag towering above a dense column of smoke, and ordered the *Dartmouth*, and a number of boats to hasten to the assistance of the crew. Between two and three hundred were saved; the rest, with their gallant commander, perished in the waves†.

\* Ibid. 465, 6. So afraid were the sailors of fire-ships, that the duke expressly forbade the name to be mentioned during the action. If any man saw a fire-ship approaching, he was ordered to communicate his suspicion in a whisper to the nearest officer, 465.

† Ibid. 467, 8. He appears to have had a presentiment of his fate. When Evelyn (ii. 369) took leave of him, the earl said, he should see him no more. "No," he added, "they will not let me live. *Had I lost a fleet I should have fared better.* But be it as it pleases God. I must do something, I know not what, to save my reputation." Evelyn tells us

During the afternoon, the other ships joined the fleet, and the combatants began to fight on a footing of equality. About five it was reported to the duke, that the *St. Michael* could with difficulty be kept afloat, on account of the injury which she had received in her hull; and trusting again to his shallop, he transported his flag to the *London*. De Ruyter was the first to shrink from the conflict. He sailed about seven to overtake the Zeeland squadron; and most of the English took the opportunity of joining D'Estrées to leeward, while the duke, with five-and-twenty sail, remained to the windward of the enemy. Thus terminated this bloody and obstinate engagement. While we give due praise to the conduct of the Dutch admiral, and to the bravery of his men, we must not forget that, with all the disadvantages of surprise, and wind and tide against them, the cool and determined courage of the English obtained the victory. They lost one, their opponents three ships of the line\*.

In the morning, the two divisions of the English fleet <sup>May</sup> joined, and it was determined to proceed to the Nore; <sup>29.</sup> but in a short time De Ruyter, who had sailed to the southward, re-appeared; and James ordered the line to be formed, and made the signal to bear down on the enemy. They immediately fled: a general chase was ordered, and twice the Dutch ships, which had been disabled in the late action, were on the point of falling into

that Monk and Clifford were accustomed to describe the earl's caution as cowardice, and that the words in italics allude to his expedition to Bergen. May they not allude to the conduct of Monk, as if he had said: Had I, by excess of courage, lost a fleet, as Monk did, I should have fared better?—"He died," says Sheffield, duke of Buckingham, "in Mr Digby's ship the day before the battle, when nobody dreamt of fighting, and showed gloomy discontent, so contrary to his usual cheerful humour, that we even all took notice of it: but much more afterwards." Works, ii. 14.

\* Ibid. 468—471. "The duke of York himself had the noblest share in this day's action; for when his ship was so maimed as to be made incapable of service, he made her lye by to refit, and went on board another that was hotly engaged, where he kept up his standard till she was disabled, and then left her for a third, in order to renew the fight, which lasted from break of day till sunset." Works of Sheffield, duke of Buckingham, who was present, ii. 15.

the hands of the pursuers, and as often saved by the timely intervention of a fog. On the second day the Dutch found a secure shelter within the Wierings; and the English fleet returned in triumph to the river\*.

May  
30.

By land, the storm, which had so long menaced the States, soon burst on their most distant frontier. Louis placed himself at the head of more than one hundred thousand men, and was assisted by the counsels of Condé and Turenne. Orsoi, Burick, Wesel, and Rhinberg, fortresses on the Rhine, in the possession of Dutch garrisons, opened their gates; the river itself was passed near Schenck in the face of the enemy; Arnhem, Naerden, Utrecht, Darenter, Zutphen, and Nimeguen submitted; three out of the seven provinces were torn from the republic, and the French outposts established themselves in the vicinity of Amsterdam†. At first the States seemed to abandon themselves to despair: they were roused to exertion by the approach of the enemy, and the sympathy of Europe. The Louvestein faction, hitherto the ally of France, sunk into insignificance; the prince of Orange was declared captain-general of the army, and admiral of the fleet; promises of succour were obtained from the emperor, the king of Spain, and the elector of Brandenburg: and attempts were made to detach Charles from his alliance with the French monarch. The king, indeed, began to waver. The success by sea had not answered his expectations: the conquests of Louis threatened to provoke a general war in Christendom; and a rupture between France and Spain would not only overturn the treaty of Aix-la-Chapelle, but also deprive his subjects of the Spanish trade, the most profitable branch of British commerce. With his son, the duke of Monmouth, who, at the head of six thousand British soldiers, served in the French army, were joined, as plenipotentiaries,

\* James, i. 475. 8

† For the progress of the French army, see *Œuvres de Louis*, iii. 130–248.

Buckingham, Arlington, and Savile, lately created June viscount Halifax. The three latter repaired to the 12. Hague, where they assured the States of the pacific disposition of their sovereign\*, and thence, accompanied by deputies, hastened to the camp of the French monarch at Heeswick, where, in union with Monmouth, July 6. they signed a new treaty, binding the two kings to act in concert, and never to conclude a peace but by joint consent. The separate demands of Charles and Louis were then communicated to the Dutch ministers. Charles, on his part, required, as the basis of peace, the dignity of stadtholder for the prince of Orange, the honour of the flag as an acknowledgment that England was mistress of the narrow seas, the yearly payment of 10,000*l.* for permission to fish on the British coasts, indemnification for the charges of the war to the amount of one million sterling, and the possession of Flushing, Goree, and the neighbouring fortresses, as security for the payment: Louis offered to restore the three provinces which he had conquered, on condition that the States should cede to him such places as they had formerly wrested from Spain, and such part of their territory as lay on the left bank of the Rhine; should pay to him an indemnification of seventeen millions of livres; should yearly offer him a gold medal in acknowledgment of his forbearance, but in reality as a satisfaction for the insulting medal which they struck at the conclusion of the triple alliance, and should grant to their catholic subjects the free exercise of the catholic worship†. The States, at the persuasion of the prince

\* When Buckingham assured the dowager princess of Orange, that they, the ambassadors, would not use Holland like a mistress, but love her like a wife; she replied, "*Vrayment je croy que vous nous aimez comme vous aimez la votre*." Temple, ii. 260

† Dumont, vii. 205. b. 8 Miscel. Aul. 71, 72. In the united and the neighbouring provinces the catholics and protestants were intermixed in considerable numbers, and the intolerance of the States induced them, wherever their influence extended, to abolish the exercise of the catholic worship. This was met with similar intolerance on the other side, and the inconveniences arising from such a state of things induced the protestant elector of Brandenburg, and the catholic count palatine of the Rhine,

of Orange, indignantly rejected these proposals. They opened their dikes; the country was placed under water; and the progress of the French arms was suspended.

From this moment the war began to languish both by sea and land. Louis left the camp for his capital, and while part of his army was employed to retain possession of his conquests, the other portion marched to the Rhine to observe the German princes, who were arming in support of the States. At sea, De Ruyter had the prudence to shun a second engagement, and the duke of York cruized in vain off the Dogger Bank to intercept the East India fleet, which found shelter in the river Ems. Charles, however, continued faithful to his engagements with Louis, and, to mark his satisfaction with the conduct of his ministers, he had raised sir  
 April 22. Thomas Clifford to the peerage, by the title of lord  
 14. Clifford of Chudleigh; created lord Arlington earl of  
 23. Arlington; lord Ashley earl of Shaftesbury; and honoured Buckingham and Arlington with the order of the garter. For a while Shaftesbury seemed to monopolize the royal favour, so delighted was the monarch with the fertility of his invention, and the fearlessness of his courage. Charles deemed himself bound in honour to shelter the bankers, whose money he had locked up in

to conclude in this spring a treaty of equitable adjustment, by which the churches were divided between the two communions, and provision was made for then respective ministers out of the property formerly belonging to the clergy in the duchies of Cleves, Juliers, and Berg, and the counties of Mark and Ravensberg (Dumont, vii 171—194.) Louis, following the example, demanded for the catholics within the territory of the States the use of one church where there were two, and the permission to build another where there was only one, with a decent provision for the clergy-men out of the old church property, or some other fund. (Ibid. 205.) This demand, however, gave occasion to the opponents of the court to represent Charles as leagued with Louis in a crusade for the establishment of popery: and, to excite greater imitation, they informed the public that the principal church in each town was demanded for the catholics. (Burnet, i. 560.) Another falsehood spread at the time was, that Louis assured the States that he would make peace if they accepted his conditions, whether Charles were satisfied or not. (Marvell, i. 492.) Yet the contrary is the truth. In article xiii. he declares that the acceptance of his conditions will not be sufficient; they must also satisfy the king of England, before peace can be made. Dumont, 206.



the exchequer, from the pursuit of their creditors. They applied for protection to the court of chancery; but the lord keeper hesitated: he doubted whether it were a case in which he ought to interfere; and Shaftesbury seized the occasion to represent him to the king as an old dotard unequal to his situation. The hint was taken; Nov. the seal was transferred from Bridgeman to Shaftesbury; 17. and the new lord chancellor soon exposed himself by his vanity and self-sufficiency to the ridicule of the bar as well as the odium of the people. Instead of the sober and decent robes worn by his predecessors in office, he appeared on the bench in "an ash-coloured gown silver-laced, and full-ribbed pantaloons displayed." In the procession to Westminster-hall to open the seal, instead of being conveyed in a carriage, he rode on horse-back; and the king's counsel, the law-officers of the crown, and the several judges, were compelled to accompany him in a similar manner, to the great annoyance of some among these reverend personages; one of whom, Mr. Justice Twisden, by the curvetting of his horse, was laid prostrate in the mire. In his court he professed a sovereign contempt for ancient forms; his orders were made with rapidity, and fashioned after his own fancy: for a few days the counsel did not interrupt him; but he was afterwards so harassed with motions for the explanation and amendment of his orders, that he grew ashamed of his precipitancy, and the imperious reformer gradually sunk into the tamest judge that ever sat on the bench. Mindful, however, of the charge which he had brought against Bridgeman, he was careful to stay the proceedings against the bankers in the inferior courts; but, at the same time, with a prudent regard to his own security, he appointed a distant day on which he would be ready to hear counsel against this injunction\*.

\* James, i 481. North, 38. 46. 57. 8. 60. It were, however, unfair to omit the praise allotted to him by an enemy.—

The elevation of Shaftesbury made a vacancy in the commission of the treasury. Charles dissolved the board, and at the recommendation of his brother, gave the staff of lord high treasurer to lord Clifford. The friendship which had so long subsisted between Arlington and Clifford was instantly broken. Arlington charged him with ingratitude, with having by his intrigues supplanted his patron and benefactor. But the king commanded them to be friends. He exculpated Clifford. The refusal of the staff to Arlington arose, he asserted, from his own kindness for that nobleman; from a wish to spare him the disgrace and mortification which he would have entailed upon himself by his want of sufficiency and resolution\*.

It had been expected that in October Charles would apply to the parliament for money to enable him to open the exchequer in January; and the States flattered themselves with the hope of a powerful opposition on the part of the commons. To their disappointment, the two houses were prorogued till February, and the suspension of payment to the public creditors was continued by proclamation for another half year. Shaftesbury improved the interval to add to the number of his dependents in the lower house. During the prorogation several members had died; some had been called to the house of lords. Instead of waiting till the parliament assembled, he issued writs out of chancery for new elections; these writs, with recommendations from the court, were entrusted to the hands of the persons whose return was desired; and they, availing themselves of the opportunity, in general secured their election. It was, however, observed that almost all, whether designedly or not, were dissenters, a circumstance which awakened

In Israel's courts ne'er sat an Abeldim  
With more discerning eyes, or hands more clean;  
Unbribed, unbought, the wretched to redress,  
Swift of despatch, and easy of access

*Dryden, Abs and Achit.*

\* Compare James, i. 482, with Evelyn, ii. 386.

the anger of the cavaliers and the churchmen; and a resolution was taken to dispute the legality of the writs, and consequently of the returns. Colonel Strangeways, an old cavalier of the first opulence and influence in the western counties, whose friends had been defeated in four instances by the arts of Shaftesbury, placed himself at the head of the opposition\*.

At the opening of the session the king and the chan- 1673.  
cellor successively addressed the two houses. Charles Feb.  
was an ungraceful orator, but on this occasion he spoke 5.  
with an ease and dignity which surprised his hearers. Shaftesbury dilated on the different topics which had been mentioned by the king. He justified the declaration of indulgence, and the shutting up of the exchequer; he assumed that the war was popular, and that the pretensions of the Hollanders were so inconsistent with the rights of Great Britain, that "Carthage must be destroyed:" he ridiculed the jealousy of those who feared that the army raised on account of the war might afterwards be employed against the liberties of the country, and solicited a plentiful supply, to disappoint the expectations of the enemy and secure a speedy and profitable peace†.

1°. The first object which occupied the attention of the commons, was the legality of the writs issued during the prorogation; and in this they obeyed the command of the king, whether he already began to withdraw his confidence from Shaftesbury, or was desirous to propitiate the men who had displayed so much devotion to his person. That the chancellor had acted according to the precedent of former times, was certain: the claim set up by the house, that the order for the writ must originate with the speaker, could not be traced to an 6.

\* Miscel. Aul. 79. Parker, 262 4 North, 56

† L. Journ. 523—6. Miscel. Aul. 98. "Shaftesbury expressed to Locke the vexation which he felt at being made the organ of such sentiments." Lord King's Life of Locke, i. 63 But he considered himself as speaking the king's sentiments, and therefore not responsible for what he said!

earlier period than the year 1640; and it seemed reasonable to conclude, that, like the other prerogatives of the crown, this had also been recovered at the restoration. But the house of commons has never surrendered a privilege which it has once exercised: it was contended that numerous inconveniences would arise from the right claimed by the chancellor; and a resolution was passed that the elections were void, and that new writs should be issued in virtue of a warrant from the speaker. The disappointment opened the eyes of Shaftesbury to the real character of the prince whom he served. He saw that Charles was fonder of ease than of power, more disposed to conciliate than to compel, and more likely to sacrifice an obnoxious minister than to put down a fierce and stubborn opposition\*.

- Feb. 2<sup>o</sup>. The house proceeded, in the next place, to the  
 7. consideration of the supply, and, by an unanimous vote, fixed it at the amount of 1,260,000*l*., to be raised by eighteen monthly assessments. For this liberal and unexpected grant Charles was indebted to the exertions of the two leaders of the opposition, Garroway and Lee, who did not escape the suspicion of having sold themselves to the court, though their friends endeavoured to account for their conduct on the specious ground, that they deemed it politic to hold out to the king so large a sum as a temptation to his indigence. He had assured them in his speech, that "he would stick to his declaration of indulgence." They meant to put his resolution to the test. If he yielded, the money was at his command: if he persisted, no steps would be taken to perfect this previous vote†.

\* C. Journ. Feb. 6. Parl. Hist. iv. 507—12. Parker, 262—5. Orleans, 242.

† Com. Journ. Feb. 7. Burnet, ii. 13. We are, however, told by North, that sir Thomas Lee, Mr. Garroway, and sir Thomas Meres, "the bell-wethers of the country party," obtained places in the customs, admiralty, and excise, for their occasional compliance with the court (p. 456); and lord Dorchester asserts that Lee received for his services on this occasion the sum of 6000*l*., which one of the clerks of the treasury brought in a hackney-coach to Fleet-ditch, where Lee met him. At a signal they stopped, changed coaches, and drove away. Burnet, ii. 83, note.

3. The country party now directed all their efforts to procure the recall of the declaration. Of the indulgence itself they affected not to disapprove; their objections went to the form. They were willing to extend relief to the protestant dissenters, but it must be done in a parliamentary way. The royal authority was bounded by the same limits in ecclesiastical as in civil matters; the king might remit the penalties of the offence, but he could not suspend the execution of the law. By the courtiers the claim of the prerogative was feebly supported on the ground of necessity; because the power of dispensing with the law must reside somewhere; otherwise numerous cases might arise during the intervals of parliament, in which the welfare, the very safety of the state, would be sacrificed to an impolitic and unreasonable jealousy. After a long and adjourned debate it was resolved by a majority of one hundred and sixty-eight to Feb. one hundred and sixteen, that "penal statutes in matters 10. "ecclesiastical cannot be suspended but by act of parliament \*," and this resolution was embodied in an 11. address presented to the king. Charles required time to consider the question, and then replied, that he was 21. sorry they had questioned his ecclesiastical authority, which had never been questioned in the reigns of his ancestors; that he pretended to no right of suspending any laws concerning the properties, rights, or liberties of the subject; that his only object, in the exercise of his ecclesiastical power, was to relieve the dissenters; and that he did it not with the intention of avoiding the advice of parliament, but was still ready to assent to any bill which might be offered to him, appearing better calculated than his declaration to effect the ends which he had in view, the ease of all his subjects and the peace and establishment of the church of England. But this 26. answer was voted insufficient; and a second address in-

\* C. Journ. Feb. 10. Yet Burnet describes it as "a very unanimous resolution," ii. 6.

formed him that he had been misled by his advisers, that the power of suspending statutes in matters ecclesiastical had never been claimed or exercised by his ancestors; and that his faithful commons prayed from his goodness a more full and satisfactory reply to their petition\*.

- Feb. 27. By Charles this second address was received as an insult. He declared that he would dissolve the parliament rather than submit to the dictation of his opponents. Shaftesbury, Clifford, Buckingham, and Lauderdale applauded his spirit; and the duke of York, though he differed from them on most subjects, concurred with them in this. Concession, it was argued, had been the ruin of the father, it would prove the ruin of the son; to bend in one instance would only lead to additional demands. Let him assume a determined and authoritative tone; let him show that he would never resign a single right of the crown: the opposition would then melt away, and the proudest of his opponents would learn to crouch at the feet of the sovereign. Animated by their discourse, Charles gave himself credit for a degree of resolution which he did not possess; and, when Arlington conjured him to yield, scornfully rejected the advice of his timid and time-serving counsellor. It was determined to oppose one house to the other. In a short speech to the lords, the king complained of the encroachments of
- Mar. 1. the commons, ordered their addresses and his answers to be laid on the table, and solicited the advice of the peers, the hereditary counsellors of the crown. Clifford spoke with his accustomed boldness; but Shaftesbury, who began to doubt of the result, betrayed a disposition to court popularity. His individual opinion was, he said, in favour of the prerogative; but he would not venture to place it in the balance against the authority of so august a body as the house of commons. After a long

\* C. Journ. Feb. 14, 24, 26. L. Journ. xii 540. Parl. Hist. iv, 518—34, 46—51.

debate, the lords resolved, without a division, that the king's proposal to settle the question in a parliamentary way was a good and gracious answer\*. Mar. 4.

The public had watched with intense interest these proceedings in parliament, and many thought that they discovered in them the certain prognostics of a second civil war. By the States the hope of a dissolution was cherished: thus the aid of 1,260,000*l.* would be intercepted, and the king be compelled to conclude a peace, or to adopt the defensive system which had been attended with indelible disgrace in the late war. The sagacity of Louis suggested to him the apprehension of similar results. By this order Colbert waited on the king, represented to him the disastrous consequences of a breach between him and the parliament, exhorted him to yield for the moment, and promised, on the return of peace, to aid him with men and money for the purpose of recovering the rights, which he might be induced to surrender. The resolution of Charles was already exhausted by its previous efforts: he willingly listened to the counsels of the ambassador; and the promise of money, always welcome to his indigence, was gratefully accepted; but as far as regarded military aid, that, he said, should never be solicited by him against his subjects, unless he were reduced to the last extremity by another rebellion. The same evening, sending for the declaration, he cancelled it in the presence of the ministers, and the next morning forwarded a solemn promise to the lords and commons, that "what had been done with respect to the suspension of the penal laws should never be drawn into consequence." The two houses testified their joy by acclamation; and in the evening numerous bonfires illuminated the streets of the metropolis†. 7. 8.

\* *L. Journals*, xii 539. 543 *Dalrymple*, ii 89. *Orleans*, 240 *Burnet*, ii. 7, 8. There is, however, in *Burnet's* narrative, so much unquestionably false, that it is difficult to judge what may be probably true. But his account of *Shaftesbury's* speech is confirmed by the lord keeper *Guildford Dalrymple*, ii. 90.

† *Dalrymple*, ii. 93—6. *L. Journ.* xii 549.

4°. It may excite surprise that the dissenters did not rally round the throne, in defence of a measure, in which their interests were so deeply concerned. But it was an age in which religious antipathies exercised an unbounded influence over the judgments of men. The knowledge that the duchess of York had died a catholic, the suspicion that the duke of York, the presumptive heir to the crown, had embraced the catholic faith, and the fact of the alliance with France, a catholic power, against the Dutch, a protestant state, were confidently brought forward to prove the existence of a most dangerous conspiracy against all the reformed churches; the declaration of indulgence to tender consciences was represented as the first of the measures devised by the conspirators for the accomplishment of their unholy purpose; and the dissenters were exhorted and solicited to surrender the advantages which it promised them, for more secure, though, perhaps, less extensive relief to be granted by act of parliament. These arguments had weight with numbers: their jealousies and apprehensions were awakened; they consented to sacrifice their personal interest to the general good, and joined in the popular cry, which demanded additional securities for the reformed faith<sup>4</sup>. Of these securities, the first regarded the small force lately raised to be employed on the continent. It was remarked that Fitzgerald, the major-general, and a few other officers, were catholics, and that Schomberg, the commander-in-chief, though a calvinist, was not only a foreigner, but also held high rank in the French army. Why, it was asked, were such men selected for the command? Did there not exist an intention of employing them, at the conclusion of the war, to establish popery and arbitrary power? To remove these fears, an address was voted, requesting the king to discharge from the army every officer and soldier who should refuse to take the oaths of allegiance and supremacy, and receive the sacrament after the rite of the

• Guildford apud Dalrymple, ii. 91.



church of England ; and to admit no man, thereafter, into the service, who did not take the oaths before the first, and the sacrament before the second, muster. Charles returned a satisfactory answer\* ; and the anti-catholics, elate with their victory, proceeded to urge the exclusion of those who were the object of their jealousy from civil as well as military offices. The suggestion of a test for this purpose came to them from a quarter whence it was not to have been expected,—from Arlington, the reputed papist. But to Arlington it presented several advantages. It would remove from him the suspicion of catholicity ; it would enable him to gratify his resentment against Clifford ; it would bring once more within his reach the treasurer's staff, the great object of his ambition ; and it would serve to screen him from danger, by creating in his favour an interest among the popular leaders. By them the proposal was gratefully accepted, under the expectation that such a test would solve the question of the duke of York's religion, and, by stripping him of office, exhibit him to the people in a state of political weakness and degradation. Neither did the chiefs of the court party prove more hostile than their opponents to a measure, which opened to them the prospect of power and emolument from the resignations and removals which it would inevitably occasion. Even the king himself was brought to give his consent. The passing of the test was represented to him as the only condition on which he could hope to obtain the liberal supply that had been voted ; and to a prince, with whom, as it was observed, " logic, built upon money, had more " powerful charms than any other sort of reasoning," this consideration proved a convincing argument. If he felt at all for his brother, he probably strove to persuade himself that James would never sacrifice the possession of office to the profession of his religion †.

\* L. Journ. vii. 547, 8, 9

† The French ambassador supplies the information respecting Arlington and his object (Dalrymple, ii. App. p. 90) ; Marvell respecting the motives

- Feb. In conformity with the suggestion of Arlington, the  
 28. house of commons had resolved, that every individual  
 "refusing to take the oath of allegiance and supremacy,  
 "and to receive the sacrament according to the rites of  
 "the church of England, should be incapable of public  
 "employment, military or civil;" and a bill was intro-  
 duced requiring, not only that the oaths should be taken,  
 and the sacrament received, but also that a declaration  
 against transubstantiation should be subscribed by all  
 persons holding office, under the penalty of a fine of  
 500*l.* and of being disabled to sue in any court of law or  
 equity, to be guardian to any child, or executor to any  
 person, or to take any legacy or deed of gift, or to bear  
 Mar. any public office. In the lower house, a feeble opposition  
 12. was offered to the clause imposing the declaration, on  
 the ground that, to make the disavowal of a speculative  
 opinion the qualification for civil office was contrary to  
 the nature of a civil test, and calculated to render men  
 hypocrites or atheists. In the upper house the principal  
 novelty in the debate was furnished by the earl of Bristol,  
 who, though a catholic, argued in support of the test.  
 15. That considerable alarm existed could not, he said, be  
 denied. It mattered little whether it was well founded  
 or not. The more groundless the panic was, the more  
 rapidly it would spread. If, then, the bill tended to lull  
 the apprehensions of the people, it deserved the appro-  
 bation of the house. It did not enact new, it did not  
 enforce even the old, penalties against the catholic wor-  
 ship. It went merely to remove a few individuals from  
 offices which they could not exercise without scruple and  
 dissimulation. For himself, he was no wherryman in  
 religion, to look one way and row another. He was a  
 catholic, attached to the church, but not to the court of

of the king, and the leaders of the opposite parties. Marvell, i. 494, 5. Neal attributes the test act to an omission on the part of the king, whom he represents as returning no answer to the petition of the two houses for the removal of Catholics from office. (Neal, ii. 693.) But their petition did not ask for any such removal, and it was posterior in time to the resolution for a test. The petition was presented March 7; but the resolution was passed Feb. 28: See Journals on those days.

Rome. He should vote, indeed, against the bill, because it contained expressions to which he could not conscientiously assent; but he hoped that the house would adopt it, as a measure of prudence, calculated to prevent mischief, and to pacify discontent. By this speech, Bristol obtained the reputation of a patriot: the reader will, perhaps, think him a hypocrite; for he prevailed on the parliament to adopt a proviso in his favour, securing to him and his wife a large pension from the crown, and exempting them, and them alone, from the obligation of taking the test\*.

5<sup>o</sup> The bill passed the house of lords, as it had passed Mar. that of the commons, without provoking a division; and 20. it may reasonably be asked, how it happened that it received no opposition from the dissenters, when it was so framed as to comprehend them, though its avowed object was the exclusion of others? They seem again to have suffered themselves to be duped by the artifice of their pretended friends. With the bill for the test, was introduced another for ease to protestant dissenters, and thus their objection to the first was neutralized by their hopes from the second. But while one passed rapidly through the house, the other crept slowly on: new questions successively arose, and day after day was spent in debating, what quantity of relief should be granted, to what description of non conformists it should extend, and for how long a time it should be continued. The house at length agreed to confine the benefit to those dissenters who objected only to the articles of discipline, and were willing to subscribe the articles of doctrine of the church of England, to allow all such to hold separate meetings for the purpose of religious worship, to exempt them from the penalties for absence from the parish church, and to repeal in their favour the compulsory declaration of *assent* and *consent* ordained by the act of uniformity. Mar. In this shape the bill was forwarded to the house of 17.

\* C. Journ. Mar. 12. L. Journ. 557, 9 561. 7 9. Parl. Hist. ix 561-6. Stat. of Realm, v 782.

lords, where it received numerous amendments : to some  
 Mar. of these the commons objected ; and, though the king  
 24. warned them of the approaching termination of the session, no care was taken to come to an agreement. On  
 29. Easter eve, the parliament was adjourned at nine in the evening ; before it met again a prorogation followed, and the hopes of relief which the dissenters had been encouraged to cherish were utterly extinguished\*.

In the history of this session, it is worthy of notice :  
 1°. that not a murmur was heard from the ranks of the opposition against the war, or the alliance with France, or the suspension of payments in the exchequer. Of these great subjects of complaint no mention is made either in the addresses or the debates. But not only was silence observed ; in addition, an act of grace was passed, which, by pardoning all offences committed before the 25th of March, covered the ministers from the risk of subsequent punishment. It seems as if a secret understanding existed between some of the leaders of the two parties ; and that the members of the cabal had sacrificed the catholics to the jealousy of their opponents, on condition of indemnity to themselves†. 2°. The house of commons, in the bill which it passed for the ease of dissenters, departed from those doctrines which it had so strenuously advocated in its celebrated address to the king, in 1663. At that time it protested against any indulgence, because it was inconsistent with the act of uniformity, calculated to breed schism and multiply sects, and would ultimately lead to universal toleration‡. But now the distinction between articles of doctrine, and articles of discipline, at that time refused, was broadly admitted ; the pains and penalties for absence from

\* Lords' Journ. 561. 4. 571 6. 9. 584. Parl. Hist. iv. 535. 42. 551, 6. 571. 5.

† " It was the constant practice of these ministers, that, when any of them were afraid of the house of commons for themselves, they presently exposed the papists to be worried, hoping thereby to save themselves from being fastened upon."—James, i. 499.

‡ C. Journ. Feb. 27, 1663.

church or attendance at conventicles, then considered essential to the safety of the establishment, were taken away; and the declaration of assent and consent, the principal provision in the act of uniformity, was rendered entirely optional. 3°. With respect to the test, it should be remembered that the oath of supremacy and the subscription against transubstantiation were sufficient to exclude the catholics from office: the obligation of receiving the sacrament after the rite of the established church was unnecessary as far as regarded *them*; but it operated effectually to the exclusion of the dissenters. Thus the latter, by contributing to the establishment of the test, placed themselves in a much worse situation than before. They forfeited the benefit of the king's declaration; they remained subject to the intolerant laws passed against them since the restoration; and in addition, they entailed on themselves and their posterity a new disability, that of holding employment, civil or military, under the crown.

In Holland, the rapid success of the French had provoked, instead of subduing, resistance. De Witte, who had so long governed the republic, fell a victim with his brother to the vengeance of an infuriated mob; the prince of Orange took on himself the proud task of liberating his country; and the absence of contending factions gave a more uniform direction to the national efforts, and inspired with greater confidence the princes who dreaded the ascendancy of France. During the winter Louis made no additional conquests: in the summer the reduction of Maestricht was the only exploit which distinguished his arms. After a succession of marches and operations in Flanders, undertaken for the sole purpose of masking his real object, he suddenly sat down before that fortress, which capitulated after an obstinate defence of twenty-three days. Monmouth, who led the English auxiliaries, commanded under him with the rank of lieutenant-general. His want of military experience was supplied by the counsels of Montal;

May

13.

June

1.

23.

his personal courage won the applause of the king and of the army\*.

In England, the liberal supply voted by parliament gave new vigour to the preparations for war. A fleet of more than sixty sail of large ships was equipped, and an army of eight thousand men was raised and encamped at Blackheath for foreign service. But at first all men fixed their eyes on the duke of York, anxious to learn whether he would take, or refuse, the test. His conversion to the church of Rome still remained a matter of mere suspicion: but it was observed that, at Easter, when the king received the sacrament, James did not accompany him†; and soon afterwards the fact became public by his voluntary resignation of all the offices which he held under the crown. At the same time, and for the same reason, the lord Clifford relinquished the treasurer's staff, in opposition to the advice and entreaty of the king. By those who were acquainted with his aspiring character, and able to judge how much it must have cost him to suppress at once the hopes which he had so fondly cherished, it was supposed that he had bound himself by promise to follow the duke of York; but that prince declares that Clifford was actuated by motives of conscience, and pronounces his conduct the more honourable, as it was the less to be expected from one who had so recently become a proselyte. By his resignation the ambition of Arlington was again awakened, but was again disappointed. The king, by the advice of James

Mr  
30.

June  
19.

\* Buckingham (Sheffield, Works, ii. 24) says that "a sure and easy attack was kept back till his day of commanding, that he might have "the credit of the success." This insinuation is groundless. On that occasion, says Louis in a letter to Charles, il fit tout ce qui se pouvoit pour signaler davantage sa conduite et sa valeur. Je ne dois pas même oublier que le lendemain les assiegés étant sortis sur la demi-lune à la faveur d'un fourneau, il fut à eux l'épée à la main au premier bruit de la sortie, et leur fit quitter le logement. Louis, iii. 412. That this was not mere compliment, appears from the following passage in the king's journal of the siege—"Le duc de Montmouth s'acquit à la tête des mousquetaires une grande réputation." Ibid. 375. See also James, i. 493.

† Evelyn, ii. 380. The king had employed Lord Clifford to prevail on James to take the sacrament with him at Christmas; but the duke replied that his conscience forbade him. James, i. 482.

and Clifford, gave the staff to Arlington's enemy, sir Thomas Osborne, who was soon afterwards raised to the peerage, by the title of viscount Latimer\*.

By the retirement of James, the command of the combined fleet, amounting to ninety sail of the line, had devolved on prince Rupert. With so formidable a force, it was expected that he would sweep the Dutch navy from the face of the ocean: but he performed nothing worthy of his reputation; and, though he fought three actions with De Ruyter, neither received nor inflicted considerable injury. His friends complained that his powers were limited by unusual restrictions, and that his ships wanted stores and provisions: an officer who was present asserts, that he was too closely leagued with the country party to obtain a victory, which might render their opponents lords of the ascendant. He was ordered to take under his protection the army commanded by Schomberg, and to land it on the coast of Holland. Schomberg, unacquainted with naval etiquette, affixed the colours of his regiment to the mast of his vessel, as a signal to the officers in the other transports: but Rupert considered his conduct as an act of insubordination or insult; two shots were fired through the rigging; and orders were given to sink the general's vessel, unless the flag were immediately struck. Schomberg reluctantly submitted, and the armament proceeded to the Dutch coast; but no landing was effected. Rupert, having alarmed the inhabitants on several points, from the mouth of the Maese to that of the Ems, ordered the military force to return to Yarmouth, where it remained encamped during the rest of

\* Evelyn (ii 383.) says, "I am confident he (Clifford) forbore receiving the communion, more from some promise he had entered into to gratify the duke, than from any prejudice to the protestant religion, though I found him wavering a pretty while." But he proved his sincerity, for the test ousted him of the place of lord treasurer of England, and of being any longer a privy councillor, who, tho' a new convert, generously preferred his conscience to his interests" James, i 481. These passages prove that those writers are incorrect who represent him all along as a catholic.— Besides lord Clifford, lord Belassye, sir Thomas Strickland, and several others in eminent stations, resigned. Marvell, i. 458

the season. Schomberg, attributing both the violence of the prince with respect to the flag, and his refusal to land the army in Holland, to personal dislike, sent him a challenge; but Charles interfered to prevent the meeting, and the general quitted the English service\*.

A congress had been held at Cologne, under the mediation of the king of Sweden. But the States had now a brighter prospect before them, and scornfully refused conditions which they would have gladly accepted in the preceding summer. The assassination of the two De Witts by the populace had destroyed the influence of the Louvestein party; the Orange interest obtained the predominance in every province; and the young prince already displayed that decision of mind, that inflexibility of purpose, which marked his character through life.

Aug. 20. The other powers of Europe did not remain indifferent spectators of the contest. Leopold of Austria and Charles of Spain offered their assistance; and a defensive alliance bound them to unite their arms against the enemies of the republic†. This was not the least singular of the revolutions which the seventeenth century exhibited. The remembrance of past injuries was suppressed; the objections of religion were silenced; and the emperor and king of Spain, the representatives of

\* Buckingham, (Sheffield) ii 25-9. See also a letter from the king to Rupert, in which he calls the raising of the flag "a casual and inoffensive error, laments the mortification of Schomberg, and is not willing that the quarrel should be carried any further." Lansdowne MSS 1206, p 158.

† Dumont, vii 240, 243. Soon afterwards Louis, to keep Charles firm to his engagements, granted him a very singular favour. By the death of the last duke of Richmond, Aubigni, in the province of Berry, which had been granted to one of his ancestors, reverted to the French crown. On the 29th of July, 1672, Louise de Querouaille bore a son to Charles; the next year he created her duchess of Portsmouth; and Louis, at the desire of the king, conferred on her the domain of Aubigni, to be enjoyed by her during her life, and at her death to go to any one of the natural sons of Charles, whom that monarch might please to name, and to the male descendants of that son, "to the end that the land of Aubigni might continue in possession of the illustrious house of Stuart." Charles of course named his son by Querouaille, and created him duke of Richmond, Aug. 19, 1675. See the Letters Patent of Louis XIV. (note A), who naturalized the duke on the 12th of Jan. 1685, three weeks before the death of his father.



that family from whose iron yoke the united provinces had been lately freed, now hastened to their support in opposition to England and France, the two powers which had originally watched and protected the cradle of Dutch independence.

But the States not only obtained foreign aid, they indulged a well-founded hope of separating Charles from his alliance with France, and with that view kept up a close correspondence with the discontented party in England. If the religious antipathies of the people had been excited by the conversion of James to the catholic faith, they were now blown into a flame by the intelligence that he had recently married by proxy the sister <sup>Sept.</sup> to the reigning duke of Modena, Maria d'Este, a catholic princess of the age of fifteen\*. The danger to the protestant religion from this inauspicious union became the subject of every discourse; and Charles, that the popular excitation might have time to subside, and the real intention of the States be satisfactorily ascertained, resolved to postpone the meeting of parliament to the termination of the Christmas holidays. From this counsel he was seduced by the artful and treacherous suggestion of the Chancellor, who had secretly been reconciled, and had made the promise of his services, to the country party. On the appointed day, the 20th of Oct. <sup>20.</sup> October, the two houses assembled: but Shaftesbury, in defiance of the order which he had received, neglected to adjourn them till the commons had voted an address to the king, praying that he would not permit "the marriage between the duke and the princess of Modena to be consummated." They met again on the 27th, and <sup>27.</sup> were informed that his majesty could not in honour break a contract of marriage which had been solemnly executed. But his opponents in the lower house were not to be deterred: their plan of operations had been

\* James, i. 484. He had first solicited the hand of the archduchess of Inspruck, but that princess preferred the emperor Leopold. See the negotiation in Miscel. Aul 65. 107.

previously arranged, and they proceeded to resolve, that a second petition, of the same import with the first, should be presented; that no supply should be granted, unless the obstinacy of the Dutch made it necessary, till the country was secured from the danger of popery and popish counsellors, and the existing grievances were redressed; that a test should be imposed to distinguish between protestant and papist, and render the latter incapable, not only of office, but of sitting in either house of parliament; that the standing army was a grievance which ought to be redressed; and that (as had been done by the long parliament in the time of Charles I.) the king should be petitioned to appoint a day of general fasting, that God might avert the dangers with which the nation was threatened. These votes created alarm in

Nov. 4. the court; and Charles, hastening to the house of lords, prorogued the parliament\*.

By this decisive measure, the hopes of the opposition were disappointed, and Shaftesbury became the victim of his own policy. Calculating on the easy, irresolute disposition of the king, he had anticipated victory instead of defeat, and probably expected to retain his high office, while his colleagues should be excluded from the

9. royal counsels. Charles, having granted him a full pardon for all offences against the crown, demanded the great seal, which he gave to sir Heneage Finch, with the office of lord keeper†; and the disgraced minister, hitherto the adviser of the most arbitrary measures, openly proclaimed himself the adversary of the court, and the champion of the liberties of the people. He

\* Com Journals, Oct. 20 27. 30, 31. Nov. 3, 4. James, i 485. Burnet, ii 31.

† The reader will recollect, that in 1614 it was resolved, that for the future no attorney-general should sit in the house of commons, because by his office he is an assistant of the house of lords. In consequence, in the years 1620, 1625, 1640, when members of the house of commons were appointed to the office, new writs were issued by the speaker. On the elevation of Finch to the chancery, North succeeded as attorney-general, but did not, as others before him, vacate his seat. Though some members complained, he was permitted to remain in the house. All his successors have continued to sit without molestation.

walked daily in the Exchange, accompanied by some of the young nobility, entered into familiar conversation with the merchants, and feelingly deplored to them the miseries of the nation, the depression of trade, and the danger which threatened religion. In the estimation of his new associates, his political conversion had obliterated the guilt of his former transgressions; he was applauded as a persecuted patriot, a martyr to the liberties of his country; and, doubtful as it was whether he believed or not in revelation, theologians were found to describe him from the pulpit as the saviour of religion, and to foretell that his fame, like that of the woman mentioned in the gospel, should live throughout future generations. He failed, however, in his attempt to procure an address to the king from the common council. Charles had many friends in the capital, and the leading citizens, on the signification of the royal disapprobation, refused their concurrence\*.

The votes of the house of commons had spread consternation among the courtiers, and Arlington conjured the king either to prevent the departure of the Italian princess from Paris, or to insist that James after his marriage should withdraw from public notice, and lead the life of a country gentleman. But Charles replied, that the first was incompatible with his honour, and the second would be an indignity to his brother. The duchess left Paris, James with a small retinue met her at Dover, and Crew, bishop of Oxford, declared the marriage lawful and valid†. Here, however, the earl of Berkshire, a catholic, probably at the request of the king, advised the duke to solicit permission, that he might retire to Audley-end, both for his own quiet, and the royal convenience. James indignantly refused: his interest,

Nov.  
21.

\* James, i. 488. Parker, 266, 7, 271. Macph Pap. i. 69.

† James, i. 486. Temple, ii. 298. The ceremony was merely the following.—“The bishop asked the duchess and the earl of Peterborow, “whether the said earl had married the duchess of York as proxy of the “duke, which they both affirming, the bishop then declared it was a lawful marriage.” Ibid.

he said, required that he should be on the spot to oppose his enemies; his duty forbade him to desert his brother without the royal command. From Dover he returned to the palace of St. James's, where the duchess, by her youth, and beauty, and innocence, disarmed the malevolence of party, and became a general favourite with the court. Charles, however, partook of the common alarm. He refused her the use of a public chapel, which had previously been stipulated; he ordered the officers of the household to prevent all catholics, or reputed catholics, from entering the palace, or coming into the royal presence; he forbade, by an order of council, any popish recusant to walk in the park, or visit at St. James's, and he instructed the judges to enforce with rigour the execution of the penal laws against the catholics\*.

By these regulations the king hoped to satisfy the more moderate of his opponents. When the houses met after the prorogation, he addressed them with that air of candour, affability, and cheerfulness, which was so natural to him; and was followed by the lord-keeper in a long and eloquent speech, describing the object of the measures lately adopted, imputing to the States insincerity in the negotiation, extolling the king's attachment to the doctrines and worship of the established church, and demanding a supply, as equally necessary for the attainment of peace, and the prosecution of the war. But neither the affability of the prince, nor the eloquence of the minister could make any impression on the leaders of the party, who were now supposed to act under the guidance of Shaftesbury. 1<sup>o</sup>. It was too late to resume the question of the duke's marriage: they, therefore, began with the presentation of three addresses, praying the king to enjoin a public fast, that the whole

\* James, i. 487. Kennet, 296. L. Journ. 595. James i. 499. Burnet, ii. 30, 37. These orders were executed with such severity, that within the course of two months seven catholic peers were compelled to appeal to the house of lords for protection; namely, the marquess of Winchester for himself and his servant; the earl of Norwich for himself and his two sons; and the earl of Cardigan, the viscount Montague, and the lords Petre, Arundell, and Belassye, for themselves. L. Journ. xii. 613. 21. 22. 35. 42.

nation might implore the protection of the Almighty for the preservation "of church and state against the undermining practices of popish recusants;" to command all papists not householders to remove to the distance of ten miles from the capital during the session of parliament; to order that the names of all popish householders within the distance of five miles should be enrolled at the sessions, and to direct the militia of London, Westminster, and Middlesex to be ready at an hour's notice, and the militia of the country at a day's notice, to suppress any tumultuous meetings of papists or other discontented persons. It cannot be pretended that there existed any real ground for these precautions and insinuations; but the experience of the civil war had shown how efficacious such addresses were in exciting vague and alarming jealousies in the minds of the people, and in directing their attention to the parliament as the faithful guardian of religion and liberty; and similar proceedings were at present adopted in furtherance of the projects of the party whose great aim was believed to be the exclusion of the duke of York from the throne. To each address Charles returned a gracious and satisfactory answer\*.

2°. They proceeded next to vote the removal from office of all counsellors "popishly affected, or otherwise obnoxious or dangerous." Who, it was asked, advised the alliance with France and the rupture with Holland, the declaration of indulgence, and the suspension of payment to the public creditor, the levy of an army without the advice of parliament, and the placing of a foreigner at the head of that army, the marriage of the duke of York, and the prorogation of last November? Let inquiry be made; let a mark be placed on the authors of such evil counsels; let them be incapacitated from repeating their pernicious advice, and from inflicting new injuries on the nation†.

\* L. Journ. xii. 594. 8. C Journ. Jan. 7. 12. On the 1st of August, 1673, the duke of York told the French envoy that he was afraid of being excluded from the succession. Dalrymple, ii. App. 98.

† C. Journ. Jan. 12, 13, 14.

It was a maxim with the court, introduced by Clarendon and followed by his successors, to leave the parliament, in show at least, to the unbiassed exercise of its own judgment. Though every species of influence and corruption was employed to secure votes, the appearance of a court party was carefully avoided. The most devoted adherents of the ministers received directions to conceal their real sentiments, to seek popularity, to speak and vote frequently with the opposition, to join in the cry against popery, and in the most violent measures against its professors, that on more important occasions their opinions might appear disinterested, and consequently have greater weight with their colleagues. Hence it generally happened that the motions which the court wished to carry came first from the ranks of the opposition; and that the resistance to the measures of the country party was feeble, fluctuating, and cautious. The question was never met fairly and manfully; but the debate was protracted, difficulties were raised, amendments were suggested, and as a last resource, some unintelligible and irreconcilable quarrel about privilege was provoked between the two houses.

On the present occasion the court pursued its usual policy. The friends of the ministers did not deny that evil counsels might have been given, but contended that no man could justly be punished before he had been put on his defence. They admitted that grievances existed, but represented the grant of a supply as not less necessary to the welfare of the nation than the redress of grievances. Why might not the two subjects accompany each other, and one day be devoted to the consideration of grievances, the next to the consideration of the supply? Why should not the clamours against evil counsellors be reduced to specific charges, and the accused be permitted to justify themselves\*?"

13.. 3<sup>d</sup>. But their opponents adhered steadily to their own  
Jan plan, and proceeded to consider, in the first place, the case of the duke of Lauderdale. It was alleged against

\* Parl. Hist. iv. 620.

him, that, as chief of the administration in Scotland, he had raised an army for the purpose of employing it to establish arbitrary power in England; and that at the council in England, when a magistrate was charged before it with disobedience to the royal declaration, he had said, "Your majesty's edicts are equal with the laws, and ought to be observed in the first place." It was resolved that an address should be presented to the king "to remove Lauderdale from all his employments, and from the royal presence and councils for ever\*."

Buckingham, aware that he was destined to be the next victim, solicited and obtained permission to address the house. His first speech was confused and unsatisfactory; nor did his second, on the following day, supply the deficiencies of the former. He represented himself as a man who had spent a princely fortune in the service of his country; and reminded his hearers of the patriotism with which he had once braved the resentment of the court. He offered nothing in defence of the conduct of the ministry; but sought by evasion and falsehood to shift the responsibility from himself. Some of their measures he pretended that he had opposed, in conjunction with the earl of Shaftesbury; some he imputed to lord Clifford, who was no longer alive to rebut the charge†; some he openly attributed to his known enemy, the earl of Arlington; and of others he darkly insinuated that the blame lay with the royal brothers, by the enigmatical remark, that a man might hunt the hare with a pack of beagles, but not with a brace of lobsters. His submission obtained for him some indulgence from the house. It was voted, indeed, that, like Lauderdale, he should be removed from the royal presence and councils; but, with respect to office, only from those employments which he held during pleasure: words that left him at liberty to dispose by sale of such as he held

\* C Journ Jan. 13. Parl. Hist. iv. 625. 30.

† He died of the stone at Ugbrooke, 17th Oct. 1673.

by patent \*. To the address against him, as well as that against Lauderdale, Charles briefly replied, that he would take it into consideration.

- Against Arlington was exhibited an impeachment of treason, and of crimes of high misdemeanor, in a great number of articles, arranged under the three heads of
- Jan. 15. promoting popery, embezzling and wasting the royal treasure, and betraying the trust reposed in him as privy councillor. Of these articles three parts in four had evidently no other foundation than suspicion and report, and the ease with which they were refuted served to throw ridicule on the whole charge. Arlington addressed the house with more firmness than had been expected. To the assertions of Buckingham he gave the most pointed contradiction; and reprobated the injustice of imputing to one councillor the blame or merit of measures which had been adopted in consequence of the judgment and advice of the whole board. Arlington had secret friends among those who appeared openly as his enemies: they acknowledged that there was much force in his arguments; and the motion to inflict on him the same punishment as on Lauderdale was rejected by a majority of forty voices. All that his enemies could obtain, after a debate of five days, was the ap-
  20. pointment of a committee to inquire, what part of the articles could be so far established as to furnish ground
  - Feb. 7. for impeachment; and this committee, whether it was through the difficulty of procuring satisfactory proof, or the intrigues of the leaders in favour of the accused, never presented any report †.

\* C. Journ. Jan. 13, 14. Parl. Hist. iv. 630. 49. Burnet, ii. 38. Reresby, 24. At the same time the house of lords was employed in an inquiry arising out of the complaint of the trustees of the young earl of Shrewsbury, against the duke of Buckingham and the countess dowager of Shrewsbury; and an award was made that "the duke should not converse or cohabit with the countess for the future, and that each should enter into security to the king's majesty in the sum of ten thousand pounds a-piece for that purpose." L. Journ. xii. 628.

† C. Journ. Jan. 15. 20, 21. Feb. 18. Parl. Hist. iv. 649. 57. Burnet, ii. 38.



By the lords the conduct of Buckingham and Arling-J<sup>an.</sup>  
 ton, who had condescended to plead their own cause <sup>20.</sup>  
 before the house of commons, was considered derogatory  
 from the dignity of the peerage; and a standing order  
 was made, that no peer should answer any accusation  
 before the commons in person or by counsel, or by letter,  
 under the penalty of being committed to the custody of  
 the black rod, or to the Tower, during the pleasure of  
 the house. In obedience to another order, all the peers <sup>13</sup>  
 in attendance, whether protestants or catholics, took the  
 oath of allegiance, which had been framed in the third  
 year of James I., as a renunciation of the temporal  
 claims ascribed to the pope, and of the anti-social doc-  
 trines imputed to the catholics. The duke of York  
 hesitated at first. It had never been proposed to  
 princes standing in the same relation with himself  
 to the throne, and he was unwilling to establish a pre-  
 cedent to bind those who might succeed him. But,  
 some of the lords, making a distinction between heir-  
 presumptive and heir-apparent, he waived the objection, <sup>14.</sup>  
 and took the oath in the same manner as all the other  
 members of the house\*.

In the meanwhile the commons betrayed no disposi-  
 tion to grant a supply, and Charles, weary of the war,  
 sought some expedient to disengage himself without  
 disgrace from his connexion with France. The allied  
 sovereigns no longer retained that proud superiority  
 which they had won in the first year of hostilities. By  
 sea the English had gained no considerable advantage;  
 by land the tide of success had turned in favour of the  
 States. Spain and Austria had come forward to their  
 aid: Montecuculli, the imperial general, had deceived  
 the vigilance of Turenne, and laid siege to Bonn; the  
 prince of Orange, having reduced Naerden, by a bold  
 and skilful march joined Montecuculli; Bonn surren-  
 dered; and the army, which maintained the French

\* Lords' Journ. xii. 606. 8. 12 Macph. Pap. i. 71.

- conquests in the united provinces, cut off from all communication with the mother country, was compelled to make a precipitate retreat on the ancient frontiers of France. At this moment, the States made to Charles, Jan. 24. through the Spanish ambassador, Del Fresno, an offer of acceding to the terms which they had refused at the congress of Cologne \*. This unexpected step was differently interpreted by their friends and foes: the truth is, that the concession was the price at which the States had purchased the aid of Spain. The queen-regent refused to engage in a war with England; and her 1673. ambassador, when he signed the public treaty of alliance, Aug. 20. received from the States a secret power of negotiating with the English king on the following basis: that the conquests on each side should be restored; that the honour of the flag should be yielded to Charles; and that a sum of money, not exceeding 800,000 crowns, should be paid to him as an indemnification for the expenses of the war †. Whether Louis had obtained information of the secret, is uncertain. During the autumn he refused to the king an advance of money; now he offered, through his ambassador Ruvigni, a large sum toward the equipment of the fleet. But Charles had communicated the proposal of the States to both houses of parliament, and had been advised by them to commence the negotiation. He replied to Ruvigni, that he had gone too far to recede; that necessity prevented him from supporting France any longer as her ally, but that he still hoped to be of service to his good brother as mediator between him and his opponents. Sir William Temple was appointed to negotiate with Del Fresno; 1674 Feb. 6. in three days the articles were satisfactorily adjusted; 9. and Charles announced to his parliament, that he had 11. concluded "a speedy, honourable, and, he trusted, a "lasting peace ‡."

\* *Lords' Journ.* 616.

† *Dumont*, vii 242

‡ *Lords' Journ.* 925 8 32 *Dalrymple*, ii. 96 *Temple*, ii. 247. 50. It appears that now the committee for foreign affairs, or the cabinet council, consisted of Finch, lord keeper, viscount Latimer, lord treasurer, and the earl of Arlington, and sir Henry Coventry, secretaries of state. *Temple*, *ibid.*

By this treaty, the king obtained the substance of his demands in the summer of 1672, with the exception of an acknowledgment for the permission to fish in the British seas, the mention of which was carefully avoided by both powers. The States consented that their ships and fleets should lower their flags and topsails to every British man-of-war, on any part of the sea from Cape Finisterre to Van Staten in Norway, as a matter of right, and not merely of compliment; that the English settlers in Surinam should be freely permitted to leave that colony in English ships; that all subjects of dispute between the East India companies of the two nations should be referred to the decision of arbitrators, to sit in London; that whatever questions might not be determined by them in the space of three months should be referred to the decision of the queen-regent of Spain; and that the States should pay to the king of Great Britain the sum of eight hundred thousand crowns by four yearly instalments. Charles had formerly demanded for the prince of Orange the dignity of stadtholder, admiral, and captain-general, both to him and his posterity for ever: but the States prevented the agitation of the question by conferring those offices on him and his heirs a few days previously to the opening of the negotiation\*.

The reader is already aware, that ever since the fall of Clarendon, the violent opponents of that nobleman feared the resentment of the duke of York, and considered their own safety to be intimately connected with his exclusion from the throne. The duke's subsequent adoption of the catholic creed had furnished them with an advantage of which they were not slow to avail themselves. They appealed to the religious passions of the people; they magnified the danger which threatened

\* Dumont, vii. 253. There was added a secret article, that neither power should assist the enemies of the other, but this was explained to mean, not that Charles should recall the English troops serving in the French army, but that he should not suffer them to be kept up to their full complement by recruits. Temple, ii. 250.

the protestant church; and they called for the establishment of securities, which, though they equally affected the whole body of catholics, were in the intention of the framers chiefly directed against the duke's right to the succession. Their first step towards his exclusion was the enactment of the test, which not only stripped him of the extensive influence attached to his office of lord high admiral, but held him out to the people as unfit to be trusted with employment under government, and consequently still more unfit to fill the most exalted magistracy in the state. Their next attempt was to expel him from the house of lords, and from the councils and the presence of his brother; and for this purpose they had devised a more comprehensive test\*, and moved in the last session, that whoever refused to take it should be disabled from sitting in parliament, and prohibited from approaching within five miles of the court. This bill had been arrested in its progress by the prorogation: it was now introduced a second time under more favourable auspices. Yet so numerous were the questions urged on the attention of the house, so long and tedious the debates, that its patrons were unable to carry it farther than the second reading before the prorogation of parliament. At the same time, in the Feb. house of lords, a different plan of securities had been  
 24. devised and adopted; to disarm all catholics, to prevent the princes of the blood from marrying any but protestants, and to provide that all the younger branches of the royal family, the eldest sons of catholic peers, and all the children of other catholics, if the father were dead, should be brought up protestants. The earl of

\* The notion of a more comprehensive test originated from the small number of resignations, which had followed the enactment of the last. It had disappointed the expectations of its more ardent advocates. (Marvell, i. 458.) Instead of inferring, which was the truth, that they had overrated the real number of catholics in office, they included in the new test a denial of more of the catholic doctrines: as if the men, if any such there were, who had not hesitated to abjure a part of their creed for the preservation of their places, would not as readily, through the same motive, abjure the remainder.

Carlisle moved that, to a prince of the blood, the penalty for marrying a catholic should be the forfeiture of his right to the succession. He was warmly supported by Halifax and Shaftesbury, and as warmly opposed by the lord keeper, and the earl of Peterborough; the bishop of Winchester, with several of the prelates, came to the aid of the latter, maintaining that such a penalty was inconsistent with the principles of christianity, and the doctrine of the church of England: and after a long and animated debate, the amendment was rejected by a triumphant majority\*.

The duke of York had now but a cheerless prospect before him. He was fully aware of the object of his enemies, of the talents and influence of some, and of the reckless, unprincipled character of others. He saw that his power and popularity were gone; the wavering disposition of his brother forbade him to place his reliance on the support of the throne, and the victory which he had recently obtained in the house of commons was so trifling, that it could not impart confidence, though it might exclude despair. The first expedient which suggested itself to his mind, was a dissolution of parliament: but the result of another election was uncertain; and Charles, who had always betrayed an insuperable dislike to the experiment, would, he said, try the temper of the house of commons once more. If they granted him a supply, they should continue to sit; if they refused, he would then dissolve them. The duke next resolved to retard, as much as was in his power, the meeting of parliament, the only opportunity which his enemies would have of accomplishing their purpose†. But for this it was necessary to supply his brother with money; and money could be procured only from the king of France. Fortunately, however, for his object, the views of Louis, in respect to the meeting of parliament, coincided with his own.

\* L. Journ xii 618, 626, 647, 9. C. Journ Jan, 21; Feb 5 20. James, i. 489. Macph. 71 2. 5. 9.

† See Coleman's Letter in Journals of the Com, ix. 525

That prince, though deserted by his ally, still proved a match for his enemies. If he lost Grave, he had gained several battles; and the relinquishment of his conquests in the Netherlands had been more than balanced by the acquisition of the important province of Franchecomté. Yet he had reason to dread the accession of England to the confederacy against him, and willingly listened to the duke of York who suggested that he should purchase the neutrality, by relieving the

Aug. wants, of his English brother. The sum demanded was 400,000*l.*; but Louis pleaded the immense charges of the war, and the exhaustion of his treasury; Charles

Aug. descended to 300,000 pistoles; 500,000 crowns were at 23. length offered and accepted; and the parliament was

Nov. prorogued by proclamation from the 10th of November 10. to the 13th of April. The three parties professed themselves satisfied. Charles obtained a temporary relief from his pecuniary embarrassments; Louis was freed from the apprehension of a war with England during the approaching year; and James had gained an additional delay of five months to watch the secret intrigues, and prepare against the intended attack of his opponents\*.

But whom, it may be asked, did those opponents mean to substitute in his place as presumptive heir to the crown? Hitherto they had fixed their eyes on the young duke of Monmouth; nor was it unreasonable in them to hope that the king's partiality for his son would serve to reconcile him to the exclusion of his brother. Neither did Monmouth himself appear indifferent to the splendid prize which solicited his pursuit, or prove in-

\* Dalrymple, ii. App. 98. 9 Dalrymple observes that the information in the letters of Ruvigny tallies well with the beginning of Coleman's correspondence. It does more. It shows the busy, intriguing disposition of Coleman, which was so well known to the duke, that he was not trusted by him. Coleman sought to procure money from Louis through Ferner and Pomponne, at the very time when this bargain was concluded with Ruvigny; and so ignorant was he of its existence, that he afterwards attributes the prorogation to the advice given by himself and his friends. Coleman's Letter, Com. Journ. ix. 526.

attentive to the suggestions of those who flattered and irritated his ambition. By their advice, he begged of Charles the appointment of commander-in-chief, which had been abolished, at the death of Monk, as an office dangerous to be placed in the hands of a subject, at a time when revolutionary principles were still cherished in the country. James was alarmed, and remonstrated against the measure; but the affection of the king refused to listen to his arguments, and the patent was engrossed, and received the royal signature. The duke of York, however, had his suspicions. He took it up from the table; his jealous eye immediately discovered several erasures; and these, on examination, proved to be obliterations of the word "natural," wherever Monmouth was described as the son of the king. Charles indignant at the fraud which had been practised upon him, tore the paper into fragments; but his anger quickly subsided; the offence was forgiven, and Monmouth obtained a second patent, drawn, however, in proper form, and with the admission of the obnoxious epithet. Still, his advisers were not satisfied. They instructed him to ask also for the command of the Scottish army, the levy of which they attributed to views hostile to the liberties of England. The king, with his usual facility, granted the request; but when Monmouth insisted that this commission should be drawn for life, and without mention of his illegitimacy, he was disappointed in both points by the vigilance and firmness of Lauderdale\*.

\* James, i. 496, 7. The next year the duke of York was more successful. Russell, colonel of the foot guards, solicited leave to sell his commission, and the king agreed to purchase it for the earl of Mulgrave, who was afterwards duke of Buckingham. But Mulgrave had seduced the mistress of Monmouth, who, in revenge, extorted, by his importunity, from the king a promise of the regiment for himself (1675 Ap. 24). Mulgrave spoke to the duke. He observed to him, that as the regiment of two thousand four hundred men formed the strength of the army, the succession to the crown might one day depend on the fidelity of its commander. James instantly caught the alarm. He applied to the king, to Monmouth, to the minister, but in vain. At last he prevailed on Russell, in consideration of a valuable present, to pretend that he could break his heart to leave the service.

A second, and in many respects a more formidable rival, was William, prince of Orange, the next in succession to the crown after the duke of York and his children. William was a protestant; his heroic exertions in defence of his country had exalted him in the eyes of all who dreaded the ambitious designs of the French monarch; and some of the popular leaders in England had not hesitated to pledge themselves to his service and to advocate his interests, even at a time when he was at war with their sovereign. The correspondence between them passed through the hands of Du Moulins, who, on suspicion of treachery, had been dismissed from the office of lord Arlington, and had obtained in Holland the appointment of private secretary to the prince. His agents in England were Frymans, a Dutchman, and William Howard, the member for Winchester, and afterwards lord Howard of Escrick. The first was screened from detection by his obscurity; but the discovery of certain important documents, furnished to the States by Howard, led to his incarceration in the Tower, where he purchased his pardon by an ingenuous confession. The king then became acquainted, for the first time, with the plan arranged between the prince and his English adherents, guided, as it was believed, by Shaftesbury, during the last winter,—that the Dutch fleet should suddenly appear at the mouth of the river; that they should improve the panic which it would occasion, to raise the people; and that the king should be compelled by clamour and intimidation to separate from his alliance with France. The conclusion of peace prevented the attempt, but did not dissolve the connexion. It was proposed, with the aid of money from Holland, to form a party in parliament, which should force Charles to join with the States as an ally in the war; and the prince was not only encouraged to hope for success by exaggerated statements of the national discontent, but

his sovereign. From that time James opposed, previously he had favoured, the ambition of Monmouth. Buck. Memoirs, ii. 33—38. Macph. i. 84.



advised to be in readiness to take advantage of any revolution which might follow \*.

The king was aware of the correspondence, but not of the particulars; and his jealousy was augmented by the ambiguous language of the instructions found upon Carstairs, an agent from the prince for the levy of troops. He resolved to watch more narrowly the conduct of Shaftesbury, who already began to practise those arts of exciting the passions of the people, which he afterwards employed to a greater extent, and with a more favourable result. He represented himself as having earned by his zeal for protestantism the hatred of the papists; under pretence that his life was in danger from their malice, he procured lodgings in the house of Cook, an anabaptist preacher, and announced to the citizens that he trusted for his safety to their vigilance and fidelity. But the king had no intention that the agitator should gain the ascendancy in the capital. He informed Shaftesbury that he was acquainted with his intrigues; he ordered him to quit London and retire to his house in the country; and he dined in public with the lord mayor on the 29th of October, and accepted, in a gold box, the freedom of the city. On such occasions the king was irresistible. In defiance of the reports circulated against him, he won by his affability and cheerfulness the hearts of the citizens †.

During the summer Charles had leisure to decide on the fate of the three ministers who had drawn upon themselves the displeasure of the parliament. He considered Lauderdale as a servant of the crown of Scotland, and resolved to retain him in all his offices in opposition to the votes of the house of commons. Buckingham he dismissed without regret; and that nobleman immediately joined Shaftesbury, and proved himself a valuable auxiliary in the ranks of his former enemies. Arlington,

\* D'Avaux, i. 8. Burnet, ii. 56. Burnet, however, should be corrected by Temple, ii. 286. 294. 334. 337.

† Macph. i. 73. Kennet, 309.

by the royal command, accepted from sir Joseph Williamson, under secretary, the sum of 6,000*l.* for the secretaryship of state, and was raised to a more honourable, though less influential, office, that of chamberlain of the household. He did not, however, disguise to himself the real cause of his removal. He had observed the rapid progress which the new treasurer, lately created earl of Danby, had made in the royal favour; he saw that, to support his own declining credit, it was necessary to render some signal service to the king; and with this view he proposed to him the negotiation of a marriage between William, prince of Orange, and Mary, eldest daughter, and presumptive heir to the duke of York. As the prince was a protestant, such marriage, he argued, would tend to allay the religious apprehensions of the people; and, as it would open to him a fair prospect of succeeding to the throne, it might reasonably be expected, in return, that he should divorce himself from his political connexion with the popular leaders, and second the king in his endeavours to mediate a general peace. It was in vain that the duke of York objected: when he claimed the rights of a parent, he was told that his children were the property of the nation; and when he urged the indelicacy of making his daughter the wooer, it was replied, that it would be the care of the negotiator to lead the prince by hints and suggestions to make the first proposal. Charles entered warmly into the project, and the earls of Arlington and Ossory proceeded with their families to the Hague, under the pretence of visiting the relatives of their wives, two sisters of the name of Beverwaert, daughters of a natural son of Maurice, prince of Orange. But William had already taken his determination. For Arlington he had contracted an insuperable aversion; and when that minister complained to him in his uncle's name of his reluctance to accept the king's mediation, and of his intrigues against the royal authority, he replied, that peace must depend on the consent of those allies who had so gene-

Nov.  
10.

rously rescued his country from the grasp of the invader, and that his honour forbade him to enter into explanations which might compromise the safety of his friends in England. To the earl of Ossory, whom the prince, on account of his naval reputation, treated with more respect, had been assigned the first mention of the intended marriage; but the moment he attempted to introduce the subject, William interrupted him by the laconic remark, that, in the existing circumstances, he was not in a condition to think of a wife. The fact was, that his English adherents were alarmed. They admonished him to be on his guard against the wiles and sophistry of Arlington, and conjured him to reject the proposal of marriage as an artifice devised by his enemies, to destroy his popularity, by persuading the people that he was joined in league with the king and the duke against their liberties and religion. The advice was religiously obeyed; and the envoys, having paid a short visit to their relations, returned to England. Here Arlington found that the failure of his mission did not contribute to raise him in the estimation of his sovereign, and that Danby had improved the opportunity furnished by his absence, to render himself the lord of the ascendant\*.

As the winter passed, the leaders of the two great parties held numerous consultations, to recruit their forces, and arrange their plans against the approaching session of parliament. In the house of lords the adversaries of the minister could present a small but formidable minority under the duke of Buckingham, the earls of Shaftesbury and Salisbury, and the lord Wharton. In that of the commons they formed a numerous party under active and experienced leaders; among whom were Garroway and Lee, veterans, who had long been listened

\* James, i. 500—2 Temple, ii. 287—295. 334. Coleman's Letter, C Journ. ix. 527. The origin of the prince's aversion to Arlington arose from that minister's attempts in favour of the project to legitimate Monmouth Macph. i. 74. 84. When the offer of marriage was made, he knew that the duchess of York was in an advanced state of pregnancy, a circumstance which considerably lessened its value.

to as oracles in the house : Powle and Lyttleton, skilled in the science of forms and the application of precedents ; lord Cavendish, distinguished by the versatility of his talents and the elegance of his manners, the votary at the same time of ambition and of pleasure, ardent in his pursuits, and implacable in his resentments ; lord Russell, less brilliant and less eloquent than his friend, but more regular in his morals, and more respected by his colleagues ; sir William Coventry, whose experience easily detected the arts and sophistry of the ministers, and whose apparent want of passion gave the semblance of impartiality to his opinions ; and Birch, who had been a colonel in the revolutionary army, and was now the roughest, boldest speaker in the house\*. To these should be added Meres, Sacheverell, Vaughan, and several others, ready and zealous debaters on every question ; but the master spirit, who guided the motions of the whole body, was the earl of Shaftesbury, and to him was occasionally joined the earl of Arlington, who, through his eagerness to humble a successful rival, forgot his obligations to his sovereign, and readily lent his aid to oppose those counsels, in the origination of which he no longer participated. By these it was determined to insist on the recall of the English troops serving in the French army ; to advise an immediate union with the allies for the purpose of breaking the power of Louis XIV. ; to impeach the earl of Danby ; and to refuse all pecuniary aid as long as he should retain the office of lord treasurer. Some of these were popular measures ; all were calculated to embarrass the court, and might, by leading to a change of administration, place Shaftesbury and Arlington once more at the head of the government †.

Danby, on the other hand, prepared to meet his op-

\* Sir Edward Seymour once reflected on Birch's former occupation, that of a common carrier. " It is true," he replied, " I was once a carrier, and " it is well for the gentleman that he was not one too. For if he had, he " would never have been anything else." Burnet, ii. 80 note

† See Burnet, ii. 80—83, and Temple, ii. 309 Temple was employed by the king to expostulate with Arlington.

ponents with a confident anticipation of victory. He had persuaded himself that their success in the last session was owing to the dexterity with which they employed the cry of "no popery," and marshalled in their favour the religious fears and jealousies of the people. He obtained permission of the king to oppose them with their own weapons, and for this purpose, to employ the whole power of government in putting down every species of sectarianism and dissent, and to rally the cavaliers and the clergy round the throne, by identifying the cause of the church with that of the court. A council was held by appointment at Lambeth: several of the bishops met the lord keeper, the lord treasurer, Lauderdale, and the two secretaries of state; the king's anxiety for the support and prosperity of the establishment was explained, the aid of the prelates and clergy demanded, and a plan of combined operation arranged. In a few days the first fruits of the consultation appeared. A proclamation was published, embodying six orders which had recently been made in council, that all natives who had taken orders in the church of Rome should quit the realm in the space of six weeks, under the penalty of death\*; that every subject of the three kingdoms, who presumed to attend at mass, either in the queen's chapel, or in any chapel belonging to the foreign ambassadors, should for that offence suffer a year's imprisonment and pay a fine of one hundred marks, of which a third part should be given as a reward to the informer; that all convictions of popish recusants, particularly among the more opulent classes, should be brought to a conclusion without delay, and certified into his majesty's exchequer; that any papist, or reputed papist, who should dare to enter the palaces of Whitehall, or St. James's, or any other place where the court might chance to be, should, if a peer, be committed to the Tower, if under the rank of a peer, to one of the common gaols; and, lastly, that, since all

1675.  
Jan.  
25.

\* In this and all similar proclamations, Mr. John Hudleston was excepted on account of his services to the king after the battle of Worcester.

licenses for separate places of worship had been recalled, the laws for the suppression of conventicles should be rigorously enforced\*.

By the popular party, this proclamation was ridiculed as a weak and unworthy artifice to blind the eyes of the people. Among the catholics and non-conformists, it created considerable alarm. A deputation of ministers waited on the duke of York, reminded him of his frequent declarations in favour of liberty of conscience, and solicited his protection against the intolerant policy of the cabinet. But James had already remonstrated in vain. He had represented to the king, that such severity to the dissenters was dangerous, because it might goad that numerous and powerful body to resistance; and with respect to catholics, it was ungrateful, on account of their former services to his father, and unnecessary, because, few as they were in number, and incapacitated by tests and disqualifications, they possessed not the power, even if they had the will, of injuring the establishment. But Charles, assured of his brother's submission, cared little for his objections; he even prepared for him a more bitter mortification. In virtue of the royal mandate, the bishop of London conducted the princess Mary to church, and conferred on her the rite of confirmation in defiance of the authority of her father†.

April At the appointed time, the session was opened with a  
13. speech from the throne. The king assured the two houses, that his great object in calling them together was to come to a right understanding with his parliament, and to expose to the world the hollow and wicked designs of those who sought to drive him to a dissolution. But these men would find themselves disappointed. He was neither so weak nor so irresolute as to part with his friends in order to oblige his enemies. In the speech of the lord keeper, the chief novelty was an awkward at-

\* Wilkins, Con. iv. 595. Kennet, 301. Burnet, 253.

† James, i. 499, 500. Macpherson (i. 75 81. 4) postpones the confirmation of the princess to the following year.

tempt to justify the late intolerant proclamation. The government, he said, was placed in a most delicate and difficult situation, between the church on one side, and the dissenters and catholics on the other. If the king suspended the execution of the penal laws, he was told that he deserted the cause of the church; if he enforced them, he was reproached with the charge of persecution. But it was better to have some rule than none: otherwise universal toleration, and endless confusion, the necessary consequence of toleration, must ensue. The king had followed the rule laid down by the legislature; and, if any man felt aggrieved by it, he was still at liberty to appeal to the wisdom and equity of parliament, the best judge of the real interests of the nation\*.

Of the plan devised at Lambeth, that part which regarded the suppression of popery was entrusted to the friends of the minister in the house of commons, where, to such a proposal, no opposition could be expected. Resolutions were accordingly voted, committees appointed, and bills introduced. Still nothing was done. That zeal for orthodoxy, which had formerly animated the members, seemed to be extinct, and not one of the bills proceeded any farther than the second reading. The fact was, that the popular leaders ceased to urge the suppression of popery, when their opponents would claim the chief merit of the measure†. Their efforts were directed to the pursuit of their own objects. 1º. They obtained a renewal of the address to remove Lauderdale from office; but Charles was now furnished with a ready answer,—that the words laid to his charge, if spoken at all, were spoken before the last act of grace, and must therefore be covered by it; and that the act of the Scottish parliament for the levy of the army necessarily

\* L. Journ. xi. 653, 4

† Com. Journ. Ap. 16, 17 21. May 27. Marvell, i. 217 257. 240. "We were confident," says Coleman, "that, the ministers having turned their faces, the parliament would do so to and still be against them, and be as little for persecution then, as they were for popery before" Com. Journ. ix. 527.

- arose out of a preceding act in 1663, when Lauderdale was not the royal commissioner \*. 2°. Lord William Russell called the attention of the house to the conduct of the lord treasurer; and seven articles of impeachment were exhibited against him, charging him with improper use of the authority of his office to deceive the king, enrich his own family, and squander the royal treasure. There appears to have been little ground for any of these charges. But Danby did not rely solely on his innocence: he was careful to purchase adherents in the house, not after the manner of his predecessors, by offering presents to the more eminent speakers, but by seeking out silent votes, which might be procured at a lower price, and therefore in greater number. The articles against him were debated separately, and each in its turn was rejected †. 3°. Besides Danby, the Dutch and Spanish ambassadors had also been lavish of money. Their object was to procure the revocation of the English regiments in the French army: and their efforts were zealously aided by the popular party. To the address for this purpose presented by the house, Charles replied, that the English corps was inconsiderable in point of number, and he would take care that it should not be recruited. More than this he could not do: to recall it would be inconsistent with his honour. This answer provoked a most vehement debate in a committee of the whole house. On one side it was maintained that the English amounted to eight thousand men, that they
- April 26.
- May 3.
- 4
- 10.

\* Burnet disgraced himself on this occasion. Out of ill humour at the treatment which he had received from Lauderdale, he revealed to his enemies the purport of a confidential conversation with that nobleman, and repeated it, though apparently with reluctance, at the bar of the house of commons. "The truth is," he says of himself, "I had been above a year in perpetual agitation, and was not calm or cool enough to reflect on my conduct as I ought to have done." By this treachery he lost the favour of the king, and also of the duke of York, who had previously protected him from the resentment of Lauderdale. Burnet, ii. 63—5. Marvell, i. 221.

† Com. Journ. Ap 26, 27, 30. May 3. Parl. Hist. iv. 688—695. Burnet, ii. 69. Marvell, i. 225 7 426. If we may believe Coleman, 200,000*l.* was spent in bribes by the different parties during this session. Com. Journ. ix 528.



formed the chief force in the army commanded by Turenne, and that to their gallantry were owing most of the advantages which had been gained by that general. On the other, it was contended that they did not exceed two thousand horse and foot; that, on the conclusion of the peace with the States, it was mutually understood that they were not to be recalled; and that a much greater number of British subjects was actually serving in the Dutch army under the prince of Orange. On a division, the tellers were charged with negligence or fraud; instantly the leaders who sat on the lowest benches sprung to the table, and the other members on each side crowded to their support. Lord Cavendish and Sir John Hanmer distinguished themselves by their violence; and epithets of insult, with threats of defiance, were reciprocally exchanged. The tumult had lasted half an hour, when the speaker, without asking permission, took possession of the chair: the mace, after some resistance, was again placed on the table; the members resumed their seats, and, on the motion of Sir Thomas Lee, a promise was <sup>May</sup> given by each in his turn, that he would take no notice <sup>11.</sup> out of doors of what had happened within. The dis- <sup>20.</sup> cussion of the question was again brought forward. On one occasion the ministers obtained the majority by a <sup>June</sup> single voice: on another they were defeated by the <sup>2.</sup> casting vote of the speaker. A new address was ordered; but there is no evidence that it was ever presented\*.

The more important part of the ministerial project, the panacea for all the evils of the nation, was reserved for the house of lords, in which the court was assured of an overwhelming majority. This was introduced in the <sup>April</sup> shape of a test to be taken by all members of parliament, <sup>15.</sup> by privy councillors, magistrates, and all persons holding office under the crown. The test itself was made up of the several oaths and declarations which, by suc-

\* Com. Journ. May 8, 10, 11, 20. June 2. Parl. Hist. iv. 699-709. Marvell, ii. 232. Cavendish and Newport, in consequence of their behaviour on this occasion, were forbidden the court. Ib. 526.

cessive acts of parliament since the restoration, had been imposed upon members of corporations, officers of the army, and ministers of the church. These acts, however, had been passed at a time when the nation had not recovered from that phrenzy of loyalty into which it had been thrown by the return of the king: now the minds of men had been allowed leisure to cool; an intention of establishing arbitrary power had, by report, been attributed to the king; and the doctrines of the year Forty-one had begun to resume their former influence. That protection and allegiance are correlative, and that the law which secures the rights of the people, sanctions resistance to the invasion of those rights, were principles openly inculcated and maintained; and it was to check their diffusion, and to remove their supporters from parliament and office, that the non-resisting test had been devised. The king interested himself warmly in its success. He attended daily, standing as a spectator at the fire-side; but his presence, though it might animate the champions of the court, did not dismay or silence their opponents\*. The debates occupied seventeen days, often from an early hour till eight in the evening, sometimes till midnight. It is acknowledged, that on no former occasion had such a display of eloquence and ability been exhibited in that house; never had any question been discussed with so much obstinacy and address. The lords who chiefly distinguished themselves by their advocacy of the measure, were the lord treasurer, the lord keeper, and the bishops Morley and Ward; and to these were opposed the acknowledged leaders of the popular party, with two catholic peers, the marquess of Winchester and the lord Petre†. The former argued

April  
21.  
to  
June  
2.

\* "If not the sun, the fire-side was always in their faces." Marvell, i. 516.

† In Macpherson's extracts, we are told that when Shaftesbury applied to the catholic peers for their support, some replied that they dared not oppose the king. It might provoke him to execute the penal laws against them, perhaps to seek their exclusion from parliament, in which they knew from experience that Shaftesbury's party would concur. "He" swore that he and his friends never would, and wished that his tongue

that the principle of the test had already been recognised in the acts for corporations, the militia, and the church; that the only object of the present bill was to render that principle more generally useful by extending its operation; that it would thus offer a sufficient security both to church and state, and at the same time a security so "moderate," that it could not be refused by any but those who cherished seditious and antimonarchical sentiments, and who, on that very account, ought not to be trusted with the office of making or of administering the laws. Their opponents replied, that the question was now altered; that while the test was confined to persons in inferior situations, there remained the high court of parliament to explain its meaning, and control its application: but that now it was intended to bind the parliament itself, and to make all ranks of men dependent on the pleasure of the sovereign. Such a test invested both the crown and the mitre with a divine right, which could not be controlled by any human power, and amounted in effect to a "dissettlement of "the whole birthright of England."

When it came to be debated in its several parts, the opposition lords objected that the first clause, which pronounced it "unlawful, on any pretence whatsoever, "to take up arms against the king," was calculated to provoke doubts and questions, which a wise administration would seek to prevent. What, it might be asked, was the distinction between passive obedience, and the unlawfulness of resistance in any circumstances whatsoever; where the difference between an absolute government and a limited monarchy, if there were no boundary to submission under either? Against the second, that it "is traitorous to take up arms by "the king's authority against his person," (an allusion to the language of the parliament during the civil war,) they argued, that circumstances might occur, as in the case of Henry VI., in which such taking up of arms

"might cleave to the roof of his mouth, if he ever spoke for so unjust a thing." *Macph* i 80

might tend to the benefit and safety of the sovereign ; and the third, which extended the same doctrine to the employment of force against persons commissioned by the crown, they described as leading to the most oppressive and alarming results. It specified neither the object of the commission, nor the qualification of the commissioner ; but made it treason to oppose with force the unlawful aggression not only of sheriffs and magistrates, but even of naval and military officers ; for all these were armed with commissions from the king, and might pretend to act in "pursuance of such commission."

The great struggle, however, remained. The oath was at first conceived in the following words : "I do swear that I will not endeavour the alteration of the government either in church or state" The practice of multiplying oaths was represented as impious, by holding out temptations to perjury, and as useless, because oaths bind only men of honourable and virtuous minds, from whom sedition or rebellion is not to be apprehended. But to this oath in particular it was objected, that if it were made a necessary qualification for a seat in parliament, it would operate to the disherison both of the people and the peerage ; of the people, by trenching on their right of intrusting to men of their own choice the power of imposing the public taxes ; and of the peerage, by depriving the peers, who should refuse to take it, of the right to which they were born, of sitting in that house, and taking a part in the discussion of all subjects debated within its walls. The latter part of this objection was urged with so much vehemence, that the ministers deemed it prudent to yield. The lord treasurer proposed a resolution, which, at the suggestion of the duke of York, was changed into a standing order of the house, that "no oath should ever be imposed, by bill or otherwise, the refusal of which should deprive any peer of his place or vote in parliament, or of liberty of debate therein\*."

\* L. Journ. xii. 673. Macph. i. 81. In lieu of the oath proposed by the bill, and all other tests to be taken by members of parliament, the follow-

When the house proceeded to consider the form of the proposed oath, the bishops were exposed to the profane jests and irreverent sarcasms of the duke of Buckingham, and called upon to answer several searching and vexatious inquiries by the dissenting peers. What, it was asked, was this episcopal government, to which the subject had now to swear allegiance? From whom did the prelates profess to derive their powers? They replied, that the priesthood, and the powers of the priesthood, came to them from Christ; the license to exercise those powers from the civil magistrate. "But," exclaimed the lord Wharton, "excommunication is one of those powers; do you derive from the sovereign the license to excommunicate the sovereign?" This, it was answered, was to suppose an extreme case which had never arrived, and probably never would arrive. Others observed, that the oath provided only for "the government," or discipline of the church: why were its doctrines omitted? The government of the church of Rome was episcopal: no catholic would object to take the oath, even if at the same time he should meditate the subversion of one church, and the establishment of the other. This objection alarmed the lord treasurer, and he offered to add the words "the protestant religion." "But what," asked the earl of Shaftesbury, "is the protestant religion? Where are its boundaries? How are they to be ascertained?" The bishop of Winchester replied, that the protestant religion was comprehended in the thirty-nine articles, the liturgy, the

ing was moved as an amendment by the marquess of Winchester: "I swear that I will never by threats, injunctions, promises, advantages, or invitations, by or from any person whatsoever, or through the hope or prospect of any gift, place, office or benefit whatsoever, give my vote otherwise than according to my opinion and conscience, as I shall be truly and really persuaded upon the debate of any business in parliament." Such an oath would probably have been as unpalatable to the opponents as to the adherents of the minister. It was, however, seconded and supported; and the odium of rejecting it was left to the lord keeper, who contended, that the hope of reward was not incompatible with integrity of conduct, but sometimes necessary to stimulate the indolent and the indifferent. *Parl Hist* iv. App. lxi.

catechism, the canons, and the homilies. His opponent again inquired whether every thing contained in these five books were part and parcel of the protestant religion? If so, then it must be contended that their authors were infallible, and had laid down nothing which ought to be rejected or reformed. If not, then the objection recurred: the precise limits of the protestant religion were unknown, and no man could conscientiously bind himself by oath never to alter a system, with the real extent of which he was unacquainted. To escape from the difficulty, the words, "now established by law in the church of England," were added.

May 3. From the government of the church, the debate proceeded to the government in the state. Here the opponents of the measure renewed the struggle with equal obstinacy. Were the civil institutions of the country so perfect as to admit of no improvement? Could no combination of circumstances ever occur to make some alteration expedient? Let the house give its sanction to this part of the oath, and the chief privilege of the peerage was gone for ever. They might assemble and vote supplies; but to legislate on any subject connected with the government of the country would be a violation of the test. They must abandon their duty as a part of the legislature, or perform it under the guilt of perjury.

At length, after a variety of amendments and adjournments, divisions and protests, the declaration and oath were passed in the committee, in the following improved form. "I, A. B., do declare that it is not lawful, on any pretence whatsoever, to take up arms against the king; and I do abhor the traitorous position of taking arms by his authority against his person or against those that are commissioned by him according to law, in time of rebellion and war, and acting in pursuance of such commission. I, A. B., do swear that I will not endeavour any alteration of the protestant religion now established by law in the church of England, nor will I endeavour any alteration in the government, in

“church or state, as it is by law established.” There only remained to determine the penalty of a refusal to take the test, which, in defiance of all the efforts of the opposition, was fixed at a fine to 500*l.*, and incapacity to hold office or commission under the crown. But, as this incapacity did not affect the right of sitting in either house, the members of both were made subject to a repetition of the fine in every succeeding parliament\*.

To retard the progress of the bill, had been the great object of the country party in the house of lords; to throw it out, was to be the achievement of their associates in that of the commons. But even there much had lately happened to shake their confidence in their own power: the fate of the impeachment of Danby, and the rejection of a bill to prevent members from accepting places under government, had convinced them that the ministers could command the votes of many secret, but faithful, adherents. To relieve them from their apprehensions, an event occurred which, if it were not, as is probable, originally contrived, was at least most dexterously improved, to suspend the course of ordinary business in both houses, and to provoke a dissolution, or at least a prorogation of parliament. At all times an appeal by writ of error lay from the decisions in the courts of law to the house of lords, as the supreme judicature in the nation; and, during the reign of James I., similar proceedings had been introduced relative to judgments in chancery. It happened that at this period the defendants in three of these appeals to the justice of the lords possessed seats in the house of commons; and when notice to appear was served on sir John Fagg, one of the three, the house voted such a notice a breach

\* For this important debate, see the *Lords' Journals*, xii. 665 9 671 3, 4 7. 682. *Parl. Hist.* iv. 7. 4 721. App. xviii. xlvii. Bunnet, ii. 71 4. Marvell, i. 510. 8. North, 62. The test was originally devised by Clarendon, but his son, who on the death of the exile had succeeded to the title, constantly opposed it. His name is in all the protests entered on the journals, and the king was so displeased with his conduct, that he deprived him of his place of chamberlain to the queen. Marvell, i. 227.

- May of privilege The lords insisted on their claim. Their  
 5. was the only court to decide on writs of error or appeal; they sat only at the same time with the house of commons; and therefore, if they could not hear causes in which the members of that house were parties, a denial of justice must follow. The commons disputed the inference—it might be a suspension, but not a denial of justice—the appeal might be heard, when the parties were no longer entitled to the privilege of parliament. Nothing could be weaker than such reasoning; but they compensated for its weakness by the vigour of their  
 12. conduct. They committed to the Tower, Shirley and  
 15. Stoughton, two of the appellants; resolved that to prosecute in the house of lords any cause against a member  
 23. of their house was a breach of privilege; declared that no appeal lay from the courts of equity to any other tri-  
 June bunal; and voted that four barristers, who, by order of  
 1. the lords, had pleaded before them in one of the appeals, should be taken into custody. This last insult set the higher house in a flame: and the opponents of the test, whose real aim was to foment the quarrel, were the fore-  
 2. most to defend the rights of the peerage. The captive barristers were rescued by the usher of the black rod from the grasp of the sergeant-at-arms, who suddenly absconded, that he might escape the punishment with which the house of commons had determined to visit  
 1. his pusillanimity or negligence. Two days afterwards, the speaker, as he passed through Westminster hall, arrested Pemberton, one of the barristers, and took his prisoner with him to his chamber\*; the new sergeant at arms brought the other three out of the court of king's bench, and all four were conveyed to the Tower. The

\* Bunnet (but to Bunnet alone little credit is due) tells us, that Seymour the speaker was "the most immoral and impious man of the age, "the unjustest and blackest man that lived in his time." Of his pride, an instance is related by lord Dorchester, that when his carriage broke down near Charing cross, he took possession of the first gentleman's carriage that came by, and turned out the owner, telling him, it was more proper that he, than the speaker of the house of commons, should walk in the street. Bunnet, ii 70, note.



house of lords was not slow to undertake their protection. A meſſage was ſent to the lieutenant to ſet them at liberty, and, when he demurred, four writs of habeas June corpus were forwarded by the lord-keeper, commanding 7. him to produce his priſoners before the king in his high court of parliament. The lieutenant was perplexed. 8. He conſulted the houſe of commons, which forbade him to obey the writs; and, in this choice of evils, he preferred, as the leſs dangerous, to incur the diſpleaſure of the lords\*.

During the altercation, Charles had addreſſed both 5. houſes in the tone, and with the dignity, of a maſter. They were, he told them, the dupes of men, enemies to him and to the church of England: the authors of the quarrel ſought not the preſervation of privilege, but the diſſolution of parliament: let the two houſes confer coolly and diſpaſſionately together; they would eaſily diſcover the means of reconciliation, or, if they did not, he would judge impartially between them, for he could not ſit a ſilent ſpectator of a diſpute which threatened to ſpread itſelf through the nation, for a mere queſtion of privilege. But his advice was diſregarded: the irritation of the parties was nourished by repeated acts of mutual defiance; and the king, to ſuſpend the proſecu- 9. tion of the quarrel, prorogued the parliament\*.

Though Charles in his ſpeech made no alluſion to his Oct. own wants, yet his promiſe, to meet them again in a ſhort 13. time, led to a ſuſpicion that the government was reduced to the loweſt ſtate of pecuniary diſtreſs; and the leaders of the country party reſolved to perſiſt in their plan of oppoſing a ſupply, with the hope of provoking a diſſolution of the miniſtry, or of the parliament. The firſt would offer to their ambition the offices held by their opponents, the latter would be ſucceeded by a general election, in

\* L. Journ. 679. 80 91 4 8 700 6 10 13. 16 18 720 3 5 7. Com. Journ. May 5 15 28 June 1. 4 8 Marvell, i. 517 Burnet, ii. 75. Parl. Hiſt. iv. 721 St. Trials, vi. 1121

† Com. Journals, June 5. 9. L. Journ. 725 9.

- (Oct. which they promised to themselves a decided superiority.
13. The houses accordingly met, and the king solicited the aid of his people to pay off the anticipations on the revenue, amounting to 500,000*l.*, and to put the navy in a condition to maintain the dignity of the British flag<sup>†</sup>. In the committee on the royal speech, the ministers obtained at first the majority by the casting vote of the chairman. But on a second division they were defeated by a small majority, and the house refused to entertain the question of supply on account of anticipations. This was a severe disappointment; yet Daub<sup>y</sup> did not despond; a long session would afford him the opportunity of appealing to the ambition and cupidity of the members: and it was possible that several might oppose the court now, with the sole view of obtaining a higher price for their future services. The house proceeded with the public business. It was voted that 400,000*l.* per annum should be taken from the customs, and applied to the maintenance of the navy: that a sum of 300,000*l.* should be raised and placed in the chamber of London, and be appropriated to the building of twenty ships of war; that papists should be disabled from sitting in either house of parliament; that a bill should be introduced to recall the English forces serving in the French army; and that a remedy should be devised to prevent bribery in elections. In the divisions which these questions produced, the balance inclined alternately in favour of the opposite parties; and the majorities were so trifling, that it was impossible to foresee which would ultimately obtain the superiority<sup>‡</sup>. In the house of lords, Shirley hastened to revive the question of his appeal. Each party sought to cast on the other the odium of the measure; but the subsequent proceedings shew that the appellant acted under the advice, or by the instigation of Shaftesbury and his friends. In the debate, which
- 20.

\* The reader is aware that it was the custom to "anticipate," that is, to mortgage, certain branches of the revenue for the payment of the capital and interest of loans of money.

† Com. Journals, Oct. 19. Parl. Hist. iv. 751-7. Marvell, i. 252-68.

was continued by adjournment for several days, that nobleman displayed extraordinary eloquence and warmth, and obtained, in defiance of the ministers and the prelates, the appointment of a day for the hearing of the appeal. It might be that, as he pretended, he sought to establish beyond dispute the claim of the peerage; but he had moreover a private and more interested motive. He was the author of a pamphlet recently published under the title of "A Letter from a Person of Quality to a Friend in the Country," purporting to detail the debate in the last session on the question of the non-resisting test. This tract the house voted "a lying, scandalous, and seditious libel:" it was ordered to be burnt by the hand of the common hangman, and a committee was appointed to discover the author, printer, and publisher. Under such circumstances, the renewal of the quarrel between the houses offered him the best shelter from prosecution. In the commons, attempts were made to revive the violent votes of the last session against the claim of the peers; but they were constantly defeated by the court party, who on this subject commanded a large majority, and procured a vote for a conference, "to preserve a good understanding between the two houses." In that meeting they suggested that, according to the royal advice, all subjects of national interest should take precedence of the question of judicature; but Shaftesbury opposed the expedient under different pretexs, and a resolution was carried to hear the appeal on the following morning. The resentment of the commons could no longer be restrained; in one house the obnoxious votes were revived\*; in the other, lord Mohun moved an address for the dissolution of the parliament. Thus a new subject of contention was raised, which called forth the whole strength of the two parties. The popular leaders supported the motion, on the ground that frequent parliaments were required by the ancient constitution of

\* Maxwell, i 270, 1. Com. Journ Nov 18, 19. L. Journals, xii 29. Somers' Tracts, viii 43

the kingdom ; that the existing house of commons, chosen in 1661, did not in fact represent the sense of the nation in 1675 ; and that the pretensions which it set forth, the violence which it displayed, the superiority which it assumed, had led to a state of things, in which the parliament, instead of proving a national benefit, had become a useless incumbrance ; but that with a new house, the real representatives of the people, no cause of dissension would exist ; the restoration of harmony would enable parliament to provide for every interest, to grant supplies to the crown, to establish securities for the church, to extend indulgence to dissenters, and to secure to the catholics the possession of their property and hereditary honours. On the other hand, the minister and his adherents contended, that a dissolution was both unnecessary and dangerous. As former dissensions between the houses had been healed, so the present was not without its remedy. Whatever might be the faults of the house of commons, the civil and religious principles of its members had been proved. A new election might introduce new men, hostile both to the church and the throne ; antimonarchical doctrines might regain the ascendancy ; and the miseries of the year forty-one might be renewed. Hitherto the duke of York, however he might disapprove, had deemed it his duty to abstain from all open opposition to the measures of government : on this occasion he gave his powerful aid to lord Moltan ; and his example drew after it the support of his adherents, and of the catholic peers. The minister was alarmed ; his adversaries out-numbered his followers in the house ; and it was only through the aid of proxies that he was able to obtain the small majority of two votes. The consequence was an immediate prorogation ; not for a short space, after the usual manner, but for the unprecedented duration of fifteen months\*.

Nov.  
22.

\* L. Journ xii 23. According to the list preserved in Oldmixon, the contents were forty-one temporal peers and seven proxies ; the non contents, twenty-one temporal peers, thirteen bishops, and sixteen proxies. Oldmixon. 594.

During this session an adventurer made his appearance on the public stage, the prototype of the celebrated Titus Oates. He was a foreigner, the son of Beauchateau, an actress in Paris, and had passed, with little credit for truth or integrity, through the several situations of usher in a school, servant to a bishop, inmate in a monastery, and companion to an itinerant missionary. A forgery, which he committed at Montdidier, in Picardy, compelled him to flee from the pursuit of justice; and he arrived in London, under a feigned name, without money and without friends. But his ingenuity did not desert him. He called himself Hyppolite du Chastelet de Luzancy; he professed an anxious desire to conform to the church of England, and in the pulpit at the Savoy he read his abjuration, and delivered a discourse, stating the grounds of his conversion. Instantly the French jesuit (so he was now styled) became an object of interest to the zealous and the charitable: contributions flowed to him from numerous quarters; and his only anxiety was to secure the means of support after the first excitement, which he had caused, should have died away. Three months after his conversion, he gave information to some of the popular leaders that, about a month before, Father St. Germain, who, for greater effect, was described as confessor to the duchess of York, had surprised him in his lodgings, and, holding a poniard to his breast, had compelled him, with the threat of instant death, to sign a recantation and a promise to return to his native country. Neither the improbability of the tale, nor the time that had been suffered to elapse, seems to have awakened suspicion. Lord Holles communicated the important intelligence to the king in the house of lords; lord Russell introduced it to the notice of the house of commons; and the parliament, the court, the city, the country, resounded with cries of astonishment at the insolence of the papists. The king published a proclamation for the arrest of St. Germain, wherever he might be found; the lords brought in a bill for the en-

July  
1.Oct.  
4.Nov.  
8.

10.

Nov. encouragement of monks and friars in foreign parts to leave

12. their convents, and embrace the reformed faith; and the commons ordered the lord chief justice to issue his warrant for the apprehension of all catholic priests, recom-

15. mended Luzancy to the protection and bounty of the king, and passed a bill for the exclusion of papists from the two houses of parliament, and from the court. The convert was examined before the privy council and a committee of the house. He persisted in his former tale; he added, that he had learned from some French merchants, that in a short time protestant blood would flow through the streets of London, and from St. Germain that the king was at heart a catholic, that the declaration of indulgence had been framed for the purpose of introducing popery, and that there was an infinite number of priests and jesuits in London, who did great service to God. But the minds of men began to cool. His additional information, which was merely a repetition of the idle reports circulated in the coffee-houses, did not serve to raise his credit for veracity; and, when he was told to produce his witnesses, the absence of some, and the utter worthlessness of the others, shook the faith of his supporters. About the same time, Du Maresque, a French clergyman of the reformed church, published a history of his adventures in France; and soon afterwards a pamphlet appeared, detailing the particulars of his life in the metropolis, and refuting his charge against St. Germain; and, though Du Maresque was severely censured by the bishop of London, and the distributor of the pamphlet threatened by the privy council, the prosecution of the inquiry was at first suspended, and, for obvious reasons, never afterwards resumed\*.

\* Com. Journ. Nov. 8. I. Journ. xiii. 21. Parl. Hist. iv. 780. Marvel, i. 265, 6. Keresby, 29—31. Wood, Ath. Oxon. iv. par. ii. col. 350, 1. Compton, the new bishop of London, and the "great patron of converts from popery," (Burnet, ii. 88) ordained Luzancy about Christmas, and sent him to Oxford, where, on January 27th, he was admitted master of arts, at the recommendation of Ormond, the chancellor. While he remained in Oxford, a transaction of a swindling description brought his name before a court of justice. soon afterwards the nation was thrown into

I shall conclude this chapter with a few notices respecting the transactions in the two kingdoms of Scotland and Ireland.—I. In Scotland the chief attention of the government was devoted to the difficult task of maintaining the episcopal authority, in opposition to the religious feelings of the people. That Charles disapproved of the severities, which had driven the western covenanters into rebellion, cannot be doubted; and it was observed that, in proportion as the influence of Clarendon declined, more lenient measures were recommended to the Scottish council. The punishment for the refusal of the declaration was restricted to the imprisonment of the offender; the regular troops, which had been so actively employed in the execution of the penal laws, were disbanded; archbishop Sharp received an order to attend to the spiritual concerns of his diocese; and Rothes was deprived of his high office of royal commissioner, though, to console his wounded feelings, he obtained in return the chancellorship for life. The earl of Tweeddale succeeded him as head of the government; but Lauderdale, by his office of secretary of state, possessed superior influence with the sovereign. Both of these noblemen were presbyterians by principle; but they disregarded the nice distinctions of the theologians, and persuaded themselves that by mutual concession the two parties might be brought to coalesce. Their object, therefore, was to maintain the episcopal establishment, but at the same time to offer to its adversaries such terms as might induce them to desist from all active opposition. To the covenanters in the west it was proposed, that the government should abstain from prosecution for past offences, provided they would bind themselves to keep the peace, under the penalty of forfeiting one year's rent of their respective estates. But here a theological question arose. What, it was asked, did the council understand by keeping the peace? “To perform the duties

1667.  
Ma.  
12.

Aug.  
10.

Oct.  
10.

a ferment by the pretended discoveries of Titus Oates; and Luzancy, ‘by “favour of the bishop of London,” was admitted, “ad pres regis,” vicar of Dover-court, in Essex, 18th Dec 1678 Wood, *Ibid*.

"of righteousness commanded by the law of God?" This was an obligation incumbent on all Christians. Not to violate the laws, which had been made in opposition to the covenant? Such an engagement was unlawful and anti-christian. That the latter was the real meaning could not be doubted: if many submitted, a greater number refused to subscribe the bonds; and Tweeddale, after a short trial, abandoned a measure, which seemed more likely to produce disturbance than tranquillity\*.

About this time happened an event which revived the angry passions of the two parties. Among the men, who had fought for the covenant at Rulhoun Green, was 1668. "a youth of much zeal and piety," named James  
July Mitchell. After the defeat he brooded over the sufferings  
11. of his brethren, till he had wound up his mind to the highest pitch of enthusiasm, and believed that he felt a call from Heaven to avenge the blood of the martyrs on the apostate and persecuting prelate, archbishop Sharp. It was a little after mid day: the archbishop's carriage drove to the door, and Mitchell took his station with a loaded pistol in his hand. Sharp came from the house, followed by Honeyman, bishop of Orkney. The first had already seated himself, when the assassin discharged his pistol; but at the very moment Honeyman raised his arm to enter the carriage, and received the ball in his wrist. To the cry that a man was killed, a voice replied, "It is only a bishop." Mitchell crossed the street, walked quietly away, changed his coat, and mixed again with the crowd. The council offered a tempting reward for the apprehension of the assassin, but six years elapsed before he was discovered†.

\* Wodrow, 277, 8. Kirkton, 266, 272. Burnet, i 414, 420. Lamont, 252  
† Wodrow, 22. Kirkton, 278. Burnet, i 491. It was urged in defence of Mitchell, that he acted like Phineas, by divine impulse. Apsand, dean of Edinburgh, replied that could not be, otherwise he would have succeeded in the attempt. To evade this argument, it was remarked, that "Israel failed against the city of Ai, because there was an Achan in the camp, and alas! there are many Achans in the camp of our Israel." Kirkton, 266, note.



This daring outrage did not, however, provoke Tweedale to recede from his purpose. He still hoped to win by conciliation, where he despaired of prevailing by severity. He made to the ejected ministers an offer, called "the indulgence," that they might enter on their former churches, if these were vacant, or on any other at the nomination of the patron, enjoy the manse and glebe without stipulation, and in addition receive the annual stipend, provided they would accept collation from the bishop, and attend the presbyteries and synods. The moderation of the proposal alarmed the more zealous, or more fanatic of the covenanters; they pronounced it a snare for the consciences of the unwary: besides the consent of the patron, a call from the parish was necessary for the lawful exercise of the ministry; and, moreover, to accept any ecclesiastical office at the invitation of the civil power, was a backsliding towards Erastianism. In defiance of this reasoning, three-and-forty ministers accepted the offer of the government, but they soon discovered that, at the same time, they had forfeited the confidence of the people. They no longer preached with the fervid eloquence of men suffering persecution. Their exhortations to the practice of virtue and godliness appeared dull and lifeless, in comparison with the fierce invectives which they formerly poured forth against apostates and oppressors. It was inferred that the Spirit of God had abandoned them; that they had become as "dumb dogs that could not bark;" and their churches were deserted for the ministry of those whose fanatical language harmonised better with the excited feelings of their hearers\*.

Tweedale hitherto had acted by the advice, and been supported by the influence of Lauderdale. At length that nobleman came himself to Scotland, and held a parliament with the title of royal commissioner. 1°. Its first act was to enable the king to appoint commissioners, authorised to treat with certain commissioners from

\* Wodrow, 304 Kirkton 288. Burnet, i. 488.

England, respecting a union of the two kingdoms ; a wise and beneficial measure, which Charles had much at heart, but which he was never able to accomplish. In England, it was opposed through distrust of the royal motives ; in Scotland, through fear that it would be accompanied with the loss of national independence. 2°. It had been discovered, that the indulgence so lately granted was a violation of the laws for the establishment of episcopacy ; and to secure it from disturbance, and its authors from prosecution, the act of allegiance was converted into an act of unqualified supremacy, declaring the external government of the church an inherent right of the crown, and giving the force of law to all acts, orders, and constitutions respecting that government, or ecclesiastical meetings, or the matters to be proposed and determined in such meetings, provided those acts, orders, and constitutions, were recorded and published by the lords of the privy council. 3°. When the regular army was disbanded, it had been deemed prudent to raise the militia of horse and foot, voted in the parliament of 1663 ; and the men had been embodied and armed in all but the western counties, where it would have been madness to put weapons into the hands of enthusiasts, ready, at the first call of their leaders, to break into rebellion. It was now not only declared that the right to levy and command the army resided in the crown, but moreover enacted, that the forces so levied should march into any part of the king's dominions in pursuance of orders transmitted to them from the privy council. These two acts excited surprise both in Scotland and England. By the first every vestige of the independence of the church was swept away ; by the second, the king was placed at the head of a standing army of twenty thousand men, bound to execute his orders, and to march into any part of his dominions. It might, indeed, be doubted whether these words could be so construed as to extend to England, where the Scottish parliament could claim no authority ; but the leaders of the

opposition in England chose to interpret them in that sense, and to make them on that account one ground of their address for the removal of Lauderdale from the councils and the presence of the sovereign \*.

Though the recent act of supremacy shocked the religious feelings of every true son of the kirk, the government persisted in its former plan of conciliation. Burnet, who had opposed the indulgence, because it gave jurisdiction without collation from the bishop, was compelled by threats to resign the archiepiscopal see of Glasgow; Leighton, a prelate of more moderate principles, succeeded in his place; and several ministers were again admitted by "indulgence" into vacant churches. Still the obstinacy of the majority refused every proposal; the conventicles grew more numerous; and the regular curates were exposed to so many insults and injuries from the zeal of their opponents, that those who obeyed were said to suffer no less than those who transgressed, the law. The council determined to combine severity with indulgence; and, while they observed the terms which had been granted to the more moderate, condemned to imprisonment the ministers who had preached at illegal assemblies, and exacted fines from the persons who had afforded the opportunity of committing the offence. But field conventicles became a special object of alarm. From the stubborn and enthusiastic character of the men who frequented them, they were considered as nurseries of sedition and treason; and, in the next session of parliament, Lauderdale asked for some legal provision to abate so dangerous a practice. It was 1670. enacted that every unauthorised meeting for religious July worship, even in a private house, should be deemed a 28. field conventicle, if any of the hearers stood in the open air; and that every minister, who preached or prayed on any such occasion, during the three following years,

\* Wodrow, 309; App. No. 35. Kirkton, 301. 3. Lamont, 267. Rurlet, 1. 492. 4, 5.

should incur the forfeiture of his property, and the punishment of death. The covenanters exclaimed loudly against the cruelty of the enactment; though such complaint came with less grace from men, who had formerly demanded and enforced laws of still greater inhumanity against the professors of the catholic faith. The sequel, however, showed that the measure was not only inhuman, it was also impolitic. It did not put down the field conventicles, but it changed them into conventicles of armed men\*.

Aug. 9. Before the terror, excited by this act, had subsided, the commissioner, with the aid of Leighton, the successor of Burnet, made an attempt to restore tranquillity by "a comprehension" of the dissenting ministers. The sole condition required was, that they should attend presbyteries as they were established before the year 1638; and to make this the less objectionable, it was offered that the bishops should waive their claim of a negative voice, and that all who pleased should be at liberty to protest against it. But many saw, or thought that they saw, even in this proposal, a conspiracy to undermine the rights of the kirk. In a few years a new race of ministers would succeed, less aware of the arts of their enemies, and less habituated to contest the authority of the bishops; those prelates would gradually resume their claims, and the presidents would ultimately become the masters of their respective presbyteries. It was therefore replied, that such assemblies could bear no resemblance to those which existed before the year 1638. They had no power of the keys, no ordination, no jurisdiction. The bishop would be bishop still, though he should abstain from the exercise of his negative voice. To assent to such terms would be an apostacy from the principles of the kirk,—“an homologation of episcopacy †.”

\* Kirkton, 301. 5. Wodrow, 323; App. p. 130. Burnet, i. 590. Salmon. Exam. 586

Wodrow, 335, App. p. 132, 3. Kirkton, 296. Burnet, i. 476. 503. 513

The religious dissensions continued, and the ministers 1672. and their hearers were occasionally imprisoned and fined Apr for their violations of the law. In 1672, Lauderdale returned to Scotland with the title of duke, and accompanied by the countess of Dysart, whom he had recently married. She had long been reputed his mistress\*, and has been described as a proud, rapacious, and despotic woman, possessing unlimited dominion over the mind of her husband, and making him the obsequious minister of her passions. It was intended that a second indulgence should be granted in Scotland, to correspond with the celebrated declaration which had been issued in England. But Lauderdale previously held a short session of parliament, in which, to prevent the succession of ministers in the kirk, severe punishments were enacted against the ordainers and the ordained, and the duration of the act against field conventicles was prolonged for three additional years. At last he determined to publish the instrument which for months had been expected, by many with hope, by more with distrust. It named about eighty ejected ministers, ordered them to repair to certain churches, and gave them liberty to exercise all the duties of their office within the limits of their respective parishes, but with a severe injunction to abstain from all religious exercises in any other district. The consequence was a schism in the body, 1673. which was not easily closed. About one-fourth of the ministers named in the indulgence refused to obey, and were confined by order of council in particular places; the rest accepted the churches which had been allotted to them, having previously given their testimony against the Erastianism of the measure. Its framers had reason to be satisfied. The more opulent of the covenanters

\* In a suppressed passage in Burnet, that writer says: "I was in great doubt whether it was fit for me to see Lauderdale's mistress. Sir Robert Murray put an end to that, for he assured me there was nothing in that commerce between them besides a vast fondness." i. 518.

attended the service of the indulged ministers, and the number of conventicles was diminished \*.

During this protracted struggle between the government and its religious opponents, scarcely a murmur of disapprobation had been heard in the Scottish parliament. It seemed as if Charles, at the Restoration, had ascended a despotic throne, and the supreme council was of no other use than to record the edicts of the sovereign. The consequence was, that the officers of government extended and abused their authority ; every department was filled with the relatives and dependents of the commissioner ; and these made it their chief object to enrich themselves at the expense of the country. But that spirit of resistance, which had so obstinately and successfully warred with the advocates of the court in the parliament of England, aroused, at length, a similar spirit in that of Scotland, and a plan of opposition, unknown to Lauderdale, was carefully arranged, among the old cavaliers and his political enemies. When he opened the next session, he demanded with his usual confidence a plentiful grant of money to aid the king in his war against the States. The young duke of Hamilton rose ; but, instead of expressing an obsequious assent, he called the attention of the house to the grievances of the nation ; the coin had been adulterated under Hatton, the master of the mint, and Lauderdale's brother ; by new regulations in the customs, the price of salt, of brandy, and of tobacco, had been raised ; monopolies in all these articles were enjoyed by the friends of the minister, and the administration of justice was polluted by personal interests and ammosities. Other speakers followed, and all were careful to echo the sentiments of Hamilton.

1673.  
Nov.  
12.

\* Wodrow, 351. Kirkton, 315. 326. 334 Burnet gives himself out as the deviser of this plan, i. 520 Lauderdale had 16,000*l.* allowed him for his outfit, as chief governor, with a salary of 50*l.* per day, while the parliament sat ; and 10*l.* or 15*l.* per day during the rest of the year. Wodrow, App. p. 148.

The commissioner was amazed and alarmed. He endeavoured to intimidate; he adjourned the session for a week; he abolished the monopolies; but he could not dissolve the combination, or satisfy the demands of his adversaries. Hamilton and Tweedale repaired to London to lay their grievances before the monarch; Kincardine was despatched to oppose them; and Charles, while he laboured to appease the discontent of one party, religiously observed his promise not to desert the other. But all his efforts to conciliate were fruitless: another May prorogation took place; and, before it expired, the parliament was dissolved\*.

May  
12.  
19.

In the enumeration of grievances, the principal, the persecution of the covenanters, had never been mentioned. Since the last act of supremacy, religious subjects were avoided, as forbidden ground on which it was dangerous to tread. Lauderdale, however, took it into consideration, and published an act of grace, pardoning every offence against any of the conventicle acts committed before the fourth of March, 1674. If by this concession he sought to conciliate the minds of the covenanters, he was disappointed; for they attributed his lenity to weakness, and looked on pardon for the past as an encouragement to new transgressions. From that day, the cause of these religionists made constant progress. In the north, indeed, they were but few, and in the west they might attend without impediment the service of the indulged ministers; but from the English borders to the river Tay the conventicles continued to multiply. They were held in the vacant churches, in private houses, in the open air; on every sabbath, crowds assembled, for the purpose of worship, around a lofty pole, fixed in a glen, on a mountain, or in the midst of

\* Burnet, ii. 19-33 36 Wodrow, 364. 369. Kirkton, 339-342. If the reader compare the character of Lauderdale, drawn by Burnet in the dedication of his four conferences, published at this time, with the character of the same nobleman, drawn by him in the History of his Own Times, he will form no very favourable opinion of the veracity of that writer.

a morass ; and the minds of the people were occupied during the week with conversation respecting the gifts and doctrine of the preachers, the dangers which they had run, the persecutions which they had suffered, and the place and time appointed for the next conventicle. A spirit of the most ardent and obstinate fanaticism animated the great mass of the population ; and hostility to episcopacy was coupled with hostility to that government by which episcopacy was maintained \*.

II. The history of Ireland during the same period furnishes but little that can interest the general reader. The English act of parliament, prohibiting the importation of Irish cattle, had reduced the agricultural classes in Ireland to the lowest distress : and Ormond, the lord-  
 1667. lieutenant, who was himself a principal sufferer, employed all his power and ingenuity to discover and open new sources of industry and new channels of commerce. A free trade was permitted between Ireland and all foreign countries, whether at peace or war with the king of Great Britain ; the introduction of Scottish woollens was prohibited, as a measure of retaliation against the Scots, who, after the example of the English parliament, had forbidden the importation of Irish cattle into Scotland ; and, to encourage the manufacture of woollen and linen cloths, five hundred Walloon families, from the neighbourhood of Canterbury, and an equal number from Flanders, were induced to settle in Ireland †. But after the fall of Clarendon, it was not the intention of those who succeeded in the administration to leave his friend  
 1668. Ormond at the head of the Irish government. His con-  
 Apr. duct was scrutinised and censured ; charges of oppres-  
 24. sion of individuals, and mismanagement of the revenue, were brought against him ; and the duke hastened to

\* Wodrow, 336 Kirkton, 343 " At these great meetings many a soul " was converted to Jesus Christ ; but far more turned from the bishops to " profess themselves presbyterians The parish churches of the curates " came to be like pest houses, few went to any of them, and none to some. " so the doors were kept locked." Ibid.

† Carte, ii. 312 4



London to defend his character against the intrigues of his enemies. For almost a year his fate hung in suspense. The good-nature of Charles shrunk from the idea of unkindness towards an old and faithful servant; his love of ease could not resist the obstinate and repeated importunities of Buckingham and his colleagues. At length a promise was wrung from the reluctant monarch; and, after a protracted struggle, he announced Feb. 1669. to Ormond his removal, but in language the most flattering and affectionate which he could devise. Lord Robertes, a man of rigid notions, and repulsive manners, was appointed to the vacant office, which he only held long enough to earn the dislike of the Irish, and to disappoint the expectations of the cabinet. After seven months, he was recalled, to make place for lord Berkeley 1670. of Stratton, who had distinguished himself by his hostility to Clarendon, and would not, it was supposed, be unwilling to discover grounds of complaint or impeachment against Ormond\*.

Eight years had now elapsed since the act of settlement, five since the act of explanation was passed; still these measures had been but imperfectly executed, on account of the conflicting nature of the claims, and the deficiency of the fund for reprisals. Not only the thousands whom the law debarred from all relief, but many of those whom it took under protection, loudly complained of injustice: and, after the arrival of the new chief governor, six peers, and forty-five gentlemen, ventured to subscribe a petition to the king, explaining Nov. 12. their wrongs, and earnestly imploring redress. Charles compassionated the sufferings of men, most of whom had devoted themselves to his service during the time of his exile; and the ministers were ready to accede to

\* Carte, ii. 375 9 413. Pepys, iv. 101 191 246. "Ormond had none that took his part but his R. H., (the duke of York,) who thought it very scandalous that one, who had always been so loyal, should be prosecuted and run down by men, who had been most of them downright rebels, or little better." James, i. 435

- any measure which would throw discredit on their predecessors in office. Though Ormond came forward to
1671. oppose the prayer of the petitioners, though Finch, the  
Feb. 1. attorney-general, pronounced against their claim, a com-  
1. mittee was appointed to review the settlement of Ireland ;  
Aug. and, on a representation that their powers were defec-  
1. tive, they afterwards obtained authority to send for per-  
sons, papers, and records, and to require information from  
all officers under the crown. The commissioners were  
prince Rupert, the duke of Buckingham, the earls of  
Lauderdale and Anglesey, the lords Holles, and Ashley,  
secretary Trevor, and sir Thomas Chicheley. They  
proceeded slowly : more than a year was employed in  
the examination of papers and witnesses, in comparing  
the arguments of the petitioners with the contrary claims  
of the soldiers, adventurers, and purchasers of lands in  
Connaught, and in hearing the complaints brought  
against the duke of Ormond, and his defence of his con-  
duct. The duration of the commission, and its renewal
1673. with more extensive powers, raised the hopes of the  
Jan. 17. natives ; but their opponents sought the powerful aid of  
the English house of commons, which had lately com-  
pelled the king to rescind the declaration of indulgence,  
and had passed several resolutions expressive of their  
hatred to popery and its professors. The cause was  
warmly taken up by the popular leaders ; and an address  
was presented to the king, demanding the revocation of
- Mar. 25. the commission, the maintenance of the act of settlement  
in Ireland, the banishment of the catholic priests from  
that kingdom, the expulsion of all catholic inhabitants  
out of Irish corporations, and the punishment of colonel  
Richard Talbot, who had acted as agent for the natives  
before the commission. Charles briefly replied, that on  
all these particulars it would be his care that no man  
should have reason to complain ; and, in the course of
26. a few days, the commission was dissolved, and the pros-  
pect of relief for ever closed to the great body of the peti-

tioners. The king, indeed, still cherished the hope of mitigating their sufferings. He appointed a committee of the council to reconsider the subject; but no other benefit resulted from their deliberation, than the trifling addition of 2000*l.* per annum to a fund which had already been provided for the purpose of furnishing pensions to the twenty nominees in the act of explanation\*.

\* Carte, ii. 427 9. 438. C. JOHN Mar. 25, 26.

## CHAPTER II

## CHARLES II.

Congress at Nimeguen—Secret Treaty with Louis XIV.—Debates on the legality of the Parliament—Pension from France—Intigues and Conquests of Louis—Opposition to the King in Parliament—Peace between France and the States—General Peace—Plot forged by Titus Oates—The Test Act—Accusation of the Queen—Trials and Executions—Perfidy of Montague—Impeachment of Danby—Prologedion.

1674. ON the conclusion of peace with the States in 1674, Charles had offered his mediation to the different powers at war. He proposed that the treaty of Aix-la-Chapelle should be taken for the basis of a general pacification: but the confederates would submit to nothing short of the treaty of the Pyrenees, that France might be again confined within its ancient boundaries; and Louis, proud of his superiority, refused to accept of any other alternative than to retain his conquests, or to exchange them for an equivalent. With pretensions so contradictory both parties awaited the issue of the campaign, in the hope that some fortunate occurrence might give additional weight to their demands. A whole year (so numerous were the difficulties raised, so opposite the interests to be consulted,) passed away in the arrangement of the preliminaries; the place of meeting, the powers to be admitted, the titles and rank which they were to assume, became subjects of endless discussion; 1675.  
July and when at last the congress was opened at Nimeguen, the place proposed by the king of England, it soon appeared that none of the parties (with the exception perhaps of the States-General) sought to bring it to a conclusion. It was the object of Louis to break the confederacy, to negotiate successively with his different

opponents, and to obtain by separate treaties, what he foresaw would be refused, as long as the confederates remained united. The emperor and the queen regent of Spain, persuaded that England and Holland would never allow the Netherlands to pass into the possession of France, placed their hopes on the prosecution of the war. They were encouraged by the counsels and influence of the prince of Orange; and all three, instead of attending to the congress at Nimeguen, bent their efforts to draw the king of England, as an ally, into the war. They represented to him that he held the destinies of Europe in his hands, and that, instead of the office of mediator, he might take upon himself to dictate the conditions of peace. He had only to join his forces with those of the confederates: Louis would instantly recede from his lofty pretensions, Flanders would be saved: and a balance of power would be established. Did he allege a want of money? They would grant him a more ample subsidy than he had received from France as an ally. Did he wish to recover Dunkirk? They would undertake to reduce, and to place it in his hands. But it was in vain that they appealed to his poverty or to his ambition. Experience had taught him a lesson, which he could not readily forget. He knew that to engage in war, was to become a suppliant to the bounty, and a dependent on the pleasure, of parliament \*.

Ruvigny, the French minister in London, was not blind to this intrigue. When Charles first withdrew from the alliance with Louis, Ruvigny, in the bitterness of his disappointment, charged the king with desertion and ingratitude: but he soon received instructions to abstain from irritating language, to keep the English monarch to his purpose of mediation, and even to offer to him, should such an inducement appear necessary, as the price of his neutrality, the same amount of subsidy which he had previously received for his alliance during

\* Temple, ii. 265, 284, 305, 319, 325, 333, 339, 363. Dalrymple, i. 118.

1676. the war\*. For eighteen months Charles resisted the temptation; and it was not till the house of commons had returned an unqualified refusal to his request of money, that, despairing of aid from his own subjects, he consented to throw himself into the arms of a foreign prince. In a private conversation between him and Ruvigny it was agreed that the king of France should pay a yearly pension to the king of England; that the two sovereigns should bind themselves to enter into no engagements with other powers unless by mutual consent; and that each should lend effectual aid to the other in the event, of rebellion within their respective kingdoms. The only persons to whom Charles communicated this treaty were his brother, and the duke of Lauderdale, and the earl of Danby. James made no remark—he had been previously acquainted with the royal purpose—and Lauderdale, according to custom, applauded the wisdom of his sovereign: but Danby, who had deeply engaged himself to the prince of Orange, demurred: he asked time for consideration: his consent, he observed, might endanger his life; he wished the king would consult the privy council. But Charles cut the Gordian knot with the same facility as he had previously
- Feb. 7. 17. done on a similar occasion. He dispensed with the services and the signatures of his counsellors; he put the treaty into writing with his own hand, and signed, sealed, and delivered it to Ruvigny. who, on his part, engaged to return to him within twenty days a copy of the same treaty signed and sealed by the king of France†. By this secret proceeding both princes obtained their objects; Charles the money which had been refused by parliament, Louis security that Charles, for some time at least, would not make common cause with his enemies. But the English king, if he possessed the spirit of a man, must have keenly felt the degradation. He

\* Danby, letters, 2 5

† Dalrymple, ii. 99. 102 The exact amount of the pension is not mentioned; but as Charles in a short time, "bientôt après," received 400,000 crowns, it was probably about 100,000*l.* per annum. Id. 118.

was become the yearly pensioner of another monarch : he was no longer the arbiter of his own conduct ; he had bound himself to consult, with respect to foreign powers, the master whose money he received. Perhaps he might console himself with the notion, that it was less disgraceful to depend on a powerful monarch, from whose alliance he could disengage himself at pleasure, than on the party among his own subjects, which constantly opposed him in parliament : perhaps he felt a malicious pleasure in defeating the machinations of his adversaries, whom he knew to be, in pecuniary transactions, not more immaculate than himself. For it is a fact, that several among those who claimed the praise of patriotism by their opposition to the court, were accustomed to sell their services for money. It seemed as if the votes of the members of parliament were exposed for sale to all the powers of Europe. Some received bribes from the lord treasurer on account of the king ; some from the Dutch, Spanish, and Imperial ambassadors in favour of the confederates ; some even from Louis at the very time when they loudly declaimed against Louis as the great enemy of their religion and liberties. For that prince, notwithstanding the recent treaty, did not implicitly rely on the faith of Charles : he sought in addition to secure the good will of those who, by their influence in parliament, might have it in their power to withdraw the king from his promise of neutrality. Ruvigny was instructed to seek adherents among them, to offer to them presents on condition that they should refuse supplies to Charles, and to co-operate with them in their attempts to ruin Danby, whom *they* considered as their political enemy, and Louis knew to be the stanch friend of the prince of Orange. His efforts were successful, and, though we have not the means of tracing the progress of the intrigue, we know that he was made acquainted with the counsels and projects of the party. But Ruvigny was recalled ; Courtin succeeded him, and the accounts

of Courtin will reveal the names of the patriots who sold themselves to France, and of the price at which their services were valued\*.

During the long prorogation, and with the aid of his foreign pension, the necessitous monarch enjoyed a seasonable relief from the cares and agitation in which he had lived for several years. Age and satiety had blunted his appetite for pleasure, and the enjoyment of ease was become the chief object of his wishes. He retired to Windsor, where he spent his time in the superintendence of improvements, the amusement of fishing, and the company and conversation of his friends. His neutrality in the great contest which divided the powers of the continent, whatever might be its real motive, found a sufficient justification in the numerous benefits which it conferred on the country. While almost every other nation in Europe complained of the privations and charges of war, England enjoyed the blessings of peace. She was free from the pressure of additional taxation, and knew nothing of those evils which necessarily accompany the operations of armies. Her mariners monopolised the carrying trade of Europe; new channels of commerce were daily opened by the enterprise of her merchants: and their increasing prosperity gave a fresh stimulus to the industry of her inhabitants†. It was, however, the care of the popular leaders to keep alive, as far as they were able, the spirit of discontent. Political clubs were established, pamphlets, renewing the old charges against the government, were published; the ears of men were perpetually assailed with complaints of the growth of popery, and of the progress of arbitrary power; their eyes were

\* Brisbane to Danby's Letters, 309 312 314. 324. Dahymple, ii 110, 111. 129.

† "The king," says Brisbane in a letter to the earl of Danby, hath "succeeded in the improvement of trade and navigation beyond the hopes of those who talked of it seventeen years ago . . . and now the trade of England is at such a height, that it is as hard to think it can continue so, as it was hard to believe once it would ever rise to it." 25th June, 1677. Danby's Letters, 315.



directed to the theatre of war on the continent, as the great arena on which the fate of their liberty and religion was to be decided; and the preservation of these was described as depending on the humiliation of France, though France was aided in the contest by the protestant state of Sweden, and opposed by the two great catholic powers, Austria and Spain.

The members of the council were not slow to oppose these arts of their adversaries. They had recourse to the press in vindication of their conduct; they warned the people in the king's name against the authors and retailers of false and disloyal reports; and they resolved to put down the coffee-houses, as seminaries of sedition, and the constant resort of agents employed to spread among the company libels against the sovereign and the government. Though the owners of these establishments had taken out licences in conformity with the law, it was discovered that the statute made no mention of the time during which the licence should remain in force; and from this omission a conclusion was drawn, that it must be considered revocable at pleasure. The judges, who did not agree, would give no opinion: but the question was argued before the council, and the attorney-general received instructions to prepare a proclamation, ordering all coffee-houses to be shut up; "because in such houses, and by the meeting of disaffected persons in them, divers false, malicious, and scandalous reports were devised and spread abroad, to the defamation of his majesty's government, and the disturbance of the quiet and peace of the realm." The remedy, however, was productive of more mischief than the evil which it sought to abate. It gave a real foundation to charges which before rested merely on conjecture. It was with reason described as an unjust and cruel proceeding towards the occupiers of the houses; as a violation of the right of Englishmen to meet and discuss political subjects; and as an unanswerable proof of the arbitrary projects secretly cherished by the court.

Its authors, repenting of their precipitancy, had the prudence to retrace their steps; and on the presentation of a petition to that effect, a general licence was granted to re-open the coffee-houses, but with this condition, that the keepers of such establishments should prevent in them the reading and publication of libels against the king and his government\*.

May  
31. Another subject of complaint was furnished by the alleged depredations of the French cruisers on the English commerce. In the course of seven months fifty-three sail had been captured and carried into the French ports under the pretence that the ships or their cargo were Dutch property, which it had been fraudulently attempted to cover with the English flag. Charles, though he looked on this as an unavoidable evil during a maritime war, ordered the most energetic remonstrances to be made at the French court; and Louis, whose interest it was to avoid a quarrel with England, gave orders that justice should be done between the captors and the claimants. Some ships were restored, many were condemned. The sufferers complained; their complaints were echoed by the writers of the popular party; and it was insinuated that the members of government derived advantage from the losses of the merchant. These charges directed the attention of the council to the conduct of sir Ellis Leighton, the secretary to the embassy in Paris, to whose care the interests of the petitioners had been intrusted. He was once the confidant of Buckingham, and is described as "the most corrupt man of the age." A warrant was signed for his committal to the Tower; but he escaped from the officers, and the charges against him were never submitted to judicial investigation†.

Preparatory to the opening of the next session,

\* Kennet, 307. North, 138. Ralph, 297.

† State Tracts, i. Marvell, 325, Kennet, 309. North, 487. Gazette, 1124. 1141. 1150. Correspondence of Clarendon and Rochester, i. 2. I shall for brevity refer to this collection by the title of Clarendon Correspondence.

Shaftesbury and his friends arranged a new plan of opposition. It was discovered that what they had so fruitlessly laboured to effect by their own efforts, had been unwittingly accomplished for them by the ignorance or imprudence of the court. The king, it was maintained, by the long prorogation, had in fact dissolved the parliament. If that assembly did not sit, its existence could be continued only by adjournment or prorogation: now the late parliament had not been adjourned, but prorogued, and that for fifteen months: but such a prorogation was contrary to law, because it was incompatible with two statutes of Edward III., which ordained that a parliament should be held "once a year, or oftener, if need be;" whence they inferred, that, as a prorogation contrary to law was of no effect, the parliament had in fact ceased to exist; it had been suffered to die a natural death. This novel and extraordinary opinion they laboured, by all the artifices in their power, to impress on the minds of the people: it was made the subject of discourse in every company; it was discussed in public and private, in clubs and in drawing-rooms: and men looked forward with intense interest to the debate which it was expected to provoke, at the opening of the approaching session.

On the appointed day, the 15th of February, multitudes of people were observed at an early hour hastening to the parliament house; and in a short time Westminister Hall, the painted chamber, the court of requests, the lobbies and avenues, were crowded with strangers. These men, if we may believe one party, had been led there by curiosity to witness the result; but, according to the other, had been brought there from Southwark and Wapping, to intimidate the adherents of the court\*. Charles addressed the two houses in a speech which elicited the applause even of his adversaries. If, he said, any additional securities were

\* North, 66 L. Journ. vii. 41. James adds that many of them were old officers from the army of the commonwealth. Macphet. i. 84.

wanted for the church, for liberty or property, he came prepared on his part to assent to every reasonable request; and therefore he called on *them* also to do their duty by avoiding the causes of dissension between the houses, by making provision for the increase of the navy, by continuing the additional excise, and by granting a moderate supply towards the extinction of the public debt. Thus they would promote the peace, the safety, and the prosperity of the kingdom; and, if any of these ends were disappointed, he called on God and man to witness that he at least was free from the blame\*.

In both houses the first question introduced was the effect of the long prorogation. In the commons the popular leaders proceeded with caution. Aware how unpalatable their new doctrine must be to the majority of the members, they contented themselves with suggesting an address for a dissolution, as the most eligible means of setting at rest the doubts which had arisen respecting the legality of their existence as an estate of parliament: but the house, after a long conversation, read a bill the first time according to custom, and postponed the consideration of the question to the following day†. In the lords the opponents of the court assumed a bolder tone. They promised themselves the support of the duke of York, of the catholic peers, and of all who, at the conclusion of the last session, had voted in favour of a dissolution. Buckingham rose, and in a speech of considerable ingenuity and eloquence contended that the parliament had ceased to exist. As soon as he sat down, lord Frescheville moved that he should be called to the bar for the insult which he had offered to the house. The earl of Salisbury answered Frescheville with warmth and asperity, and was answered in his turn by lord Arundell of Trerice. Shaftesbury and Wharton supported the motion of Buckingham, and Finch, who had lately been raised to the

\* L. Journ. xvi 36.

† Parl. Hist. iv 825 834. Marten, i. 278.

higher dignity of chancellor, opposed it in a long and laboured harangue. His assertion that the qualification, "if need be," referred to both parts of the act of Edward III. savoured of special pleading: but he had certainly the advantage over his opponents, when he contended, that by the triennial act of the 16th of Charles I., the vacations of parliament had been extended to three years; and that, if that act had been repealed, another of similar import had been substituted for it, and was at that very moment the law of the land. The debate continued five hours: but, as soon as the proceedings in the house of commons were known, the ministerial lords called for the question: the motion of Buckingham was negatived: and he, with Salisbury, Shaftesbury, and Feb Wharton, were ordered to retract their opinion, to ac- 16  
knowledge that their conduct was "ill-advised," and to beg pardon of the king and the house. On their re- 17.  
fusal all four were committed to the Tower, to remain there till they should be discharged by the order of those whom they had offended. This decision had a considerable influence on the debate of the following day in the house of commons, where the popular party found themselves in a minority of 142 to 193\*.

The arbitrary imprisonment of the four peers spread dismay through the ranks of the opposition, while it freed the lord treasurer from the most formidable of his opponents in the upper house. He knew that it was their object to remove him from office, and to force on the king a new administration formed out of their own party; and he therefore made it his policy to defeat their intrigues, by seeking to retain the favour of the sovereign, and to acquire that of the people. For the first he had only to relieve the royal indigence by competent supplies of money: with a view to the second he had all along

\* Parl. Hist. iv. 814. 824. Hatsell, ii. App. 5. Life of James, i. 504. 557. North, 65 Macpherson, 84 Burnet, ii. 105 109 Marvel, i. 280. 530. 532 Buckingham shipped out of the house, but surrendered himself the next day.

displayed an ardent zeal for the suppression of popery, and now obtained permission to bring forward a plan for the security of the established church. His adversaries on the contrary resolved to embarrass all his measures by the obstinacy of their opposition, to cast doubts and ridicule on his zeal against popery, and to urge the popular cry for a war with France, at the same time refusing the necessary supplies, as long as they would have to pass through the hands of a minister who possessed not the confidence of parliament. These remarks will enable the reader to understand the manœuvres of the two parties during this session\*.

- Feb. 1. The securities for the church, which had been de-  
24. vised in a meeting with the bishops at Lambeth, were embodied in two bills, of which the first applied to the succession of a catholic prince, and proposed to enact that on the demise of a king regnant the bishops should tender a declaration against transubstantiation to the new sovereign, and at the end of fourteen days should certify into chancery, whether he had subscribed it or not. If he had not, 1. They were empowered, on every vacancy of a bishopric, to name three persons, of whom, unless the king should select one within thirty days, the first on the list should take possession of course : 2. The two archbishops were authorised to present to all benefices in the gift of the crown lying within their respective provinces : 3. The children of the king from the age of seven to fourteen were to be placed under the guardianship of the two primates, and of the bishops of London, Durham, and Winchester, and after that age to be attended only by persons approved by the major part of the same prelates. The other bill, under the title of an act for the more effectual conviction and prosecution of

\* Charles in a conversation with Temple acknowledged that among his opponents there were many that meant honestly, but said that "the heats and distempers of late had been raised by some factious leaders, who thought more of themselves than of anything else, and had a mind to engage him in a war, and then leave him in it, unless they might have their terms in removing and filling of places" Temple, ii. 411.

popish recusants, provided that all catholics, who should enrol themselves as recusants, should pay a yearly fine of the twentieth part of their incomes, to form a fund for the support of poor converts to the protestant faith; and should, on that condition, be exempt from all other penalties except the incapacity of executing any office civil or military, of being guardians or executors, or of entering the court without licence; that laymen, the perverters of protestants, should have the option of abjuring the realm; that clergymen, convicted of having received orders in the church of Rome, might at his majesty's pleasure be imprisoned for life, instead of suffering the punishment of treason; and that the children of catholic parents deceased should be educated in the reformed faith\*.

When these bills were transmitted to the lower house, Mar.  
they met with an indignant reception. The first, by ad- 15.  
mitting the possibility of a catholic successor, tended to subvert the projects of those, who sought the exclusion of the duke of York. They suddenly became supporters of the rights of the crown. The bill, they maintained, despoiled the sovereign of his ecclesiastical supremacy, and vested it in the bishops; their objections were echoed by the friends of the duke; and the house, having honoured the bill with two readings, allowed it to sleep 27  
unnoticed during the remainder of the session. The second was treated with less ceremony. Fortunately for the catholics it had alarmed the prejudices of the zealots, who could not be persuaded that by mitigating the severity, they might ensure the execution, of the penal laws. They insisted that the catholic clergyman should con- April  
tinue to be subject to the penalty of death, and the 4.  
catholic layman to the forfeiture of two-thirds of his property: these were barriers to restrain the diffusion of popery erected by the wisdom of their ancestors, and to

\* L. Journ. xiii. 48, *et seq.* Macpherson, 83. Marvell, i. 313, 554, 569. Against the first of these bills James and twelve other peers entered their protests, and lord Stafford his against the second. Journ. 75, 92.

remove them would be to concur in the toleration of a false and idolatrous worship. "Is there a man in this house," exclaimed a voice, "that dares to open his mouth in support of such a measure?" A pause ensued; the advocates of the bill were silent; it was accordingly rejected; and as an additional stigma, the cause of rejection, contrary to all parliamentary precedent, was entered on the journals, that the title of the bill meant one thing, and the body another. At the same time  
 April 7. they passed and sent to the house of lords a bill devised by themselves, "to prevent the growth of popery," enacting that the refusal to subscribe the test against transubstantiation should be taken for a conviction of recusancy. But the lords resented the manner in which  
 13. they had been treated; and though the commons sent May two messages to call their attention to the bill, declined  
 26. to give it so much as a single reading\*.

2. When the king received in January a portion of his annual pension from France, the whole sum was immediately devoted to the purchase of votes in the house of commons. The consequence was that, on questions of finance, the minister commanded a majority of about thirty voices. The additional excise, which Charles had mentioned in his speech, was voted to continue for three years, and the sum of 600,000*l.* was granted towards the support of the navy. The French ministers received the intelligence with some uneasiness; for they were aware of Danby's engagements to the prince of Orange, and feared that, with so large a sum of money at his disposal, he might induce the king to join the allies. But they were undeceived by Ruvigny: and the event justified his predictions. Before the bill passed the house, the whole was appropriated to particular purposes, the receivers were instructed to pay the money to certain officers, and these

\* C Journ March 27, April 4. L. Journ. xiii 114. 126. Parl. Hist. iv. 853. 861. Marvell, i. 285 314 Both houses, however, concurred in one point respecting religion, which was the abolition of the writ *de hæretico comburendo* L. Journ. 120.



were ordered to render an account of its disposal to parliament. No portion of it was suffered to pass through the hands of the treasurer\*.

3. In February the king of France at the head of a Feb. numerous army burst into the Spanish Netherlands, 22. confounded his enemies by the rapidity and complexity of his movements, sat down suddenly before Valenciennes, and in a few days carried that fortress by assault. Every eye was now turned towards Flanders. The novelty of a winter campaign, the success of its commence- Ma 7. ment, and its probable consequences, created a general alarm: Solinas and Fonseca, the Spanish agents, spared neither pains nor expense to arouse the passions of the people, and to acquire friends in the parliament†; and 10. an address was voted by the commons, praying the king to take such measures as might be necessary to preserve the Spanish Netherlands from the rapacious grasp of the French monarch. Under the influence of Danby the 13. lords proposed the addition to the address of a promise of support from the parliament: but the lower house re- 15. jected the promise as superfluous, and Charles marked 17. his sense of the rejection by this laconic reply, that he held on that subject the same opinion as the two houses. The French army continued its victorious career. Cam- Amil 1. bray surrendered; the prince of Orange was defeated

\* Dalrymple, ii. 110. C. Journ. Feb. 21; March 2, 9, 11. Marvell, i. 282, 286, 294, 296, 310, 315. Danby's Letters, 309. The commons had made the officers accountable to their house for the money; the lords added an amendment that they should be accountable also to the house of lords. This the commons refused to admit, and the lords after several conferences yielded, but at the same time presented an address to the king stating, that they had done so, not meaning to give up their right, but waiving it for the moment, that the public service might not be injured by the loss of the bill. L. Journ. xii. 118, 119. Marvell, i. 318, 322. According to Burnet (ii. 109,) the clause was introduced by the country party for the express purpose of provoking a dispute between the houses.

† The king was alarmed at the activity of these men. They informed some members of the house of commons that he had said, "only a set of rogues could have voted such an address as that of the 16th of March." This caused much anger in the house, and Charles seized the opportunity to arrest them, and send them out of the kingdom. Temple, ii. 401. Marvell, i. 304. Macph. i. 83.

- April at Cassel, and the city of St. Omer opened its gates to  
 2. the conquerors. The cry for war now resounded from all parts of the kingdom; a second address was voted; and to this, after a long debate, and a division in which the minister obtained a majority of nine voices, was appended the promise of support, which had been formerly negatived. The king answered that he expected something more specific, a grant of at least 600,000*l.* to enable him to take part in the war with any prospect of success: but the demand was eluded under the pretence that many of the members had left town on account of the Easter holidays, and Charles having passed the money bills, adjourned the parliament for the space of five weeks\*.
- 16.

- During the recess the imperial ambassador received the sum of ten thousand, the Spanish ambassador that of twelve thousand pounds, to purchase votes in the lower house: and at the same time Courtin, the French envoy, negotiated with the enemies of the lord treasurer to oppose any grant of money to the king. The effect of all these intrigues appeared at the next meeting.
- May Charles, advertng to the assertion of his opponents, that  
 23. he sought to obtain a supply for purposes of his own, solemnly pledged his word that "they should never repent any trust which they might repose in him for the  
 25. "safety of his kingdom†." This speech provoked a second address, of which the first part accorded with the policy of the French court, by the positive refusal of a supply before the declaration of war; and the second gratified the wishes of the allies, by praying the king to enter into treaties with the United States and other powers for the preservation of the Netherlands. Charles

\* C. Journ. Mai 6. 15 17. 29, Ap 13. 16 Marvell, i. 297. 299 304 316. 321. 571—596.

† This pledge has been pronounced "one of the most dishonourable and scandalous acts, that ever proceeded from a throne," because he was then negotiating for money with the French ambassador. Now Charles made this speech on May 23, but there is no proof of the existence of such negotiation till after he had been provoked to adjourn the parliament.

felt, or affected to feel, this address as an insult. On the first part he made no comment: in relation to the second he charged the house with an invasion of his prerogative: they had presumed to dictate to him when, how, and with whom he was to make war; if he were to submit to such an encroachment, he should soon become a mere cipher in the government; and on that account he commanded both houses to adjourn to the month of July. When the commons returned to their own house, several members rose to contend, that for a compulsory adjournment a special commission under the great seal was necessary: but the speaker exclaimed; "by the king's command this house is adjourned till July 16th." He immediately quitted the chair, and the members separated\*.

In this parliamentary contest Charles had certainly the advantage over his adversaries. He had professed himself ready to concur with the general wish of the nation: *they* by their obstinacy had prevented that concurrence, and thus provoked many to suspect the purity of their patriotism†. If we consider the avowed enmity of Danby to the interests of France, we shall see little reason to doubt that the king, if he had received a supply, would have taken this year the same decisive measures which he took the next. It is indeed true that he made to Courtin assurances of his attachment to France, and communications of interesting intelligence: but this might be merely an artifice to procure the quarterly remittance of his pension; and so it was interpreted by the French ministers, who, instead of relying on the royal professions, instructed their envoy in England to keep the king dependent on France for money, by ob-

\* Dalrymple, ii. 111 Macph. i. 83. Com. Journ. May 25. 28 Marvell, i. 336, 549—638

† "To speak my thoughts concerning that address, I think it hard to believe that the fear of the greatness of France could be the leading motive to it" Brisbane in Danby's Letters, 315 At that time the pointing out the particular alliances to be made was thought by many an encroachment on the prerogative: at the present no man denies that the commons may offer their advice on any such subject.

structing through the leaders in parliament every proposed grant or supply from his own subjects\*.

The adjournment, however, though it relieved, did not remove their apprehensions. Courtin urged a dissolution or a prorogation till April 1678. Charles demanded an augmentation of his yearly pension to the amount of 200,000*l*. A long negotiation followed. The envoy, though he had been instructed to consent, if he found it necessary, perpetually pleaded the poverty of the French treasury; and the king, though Montague, his ambassador in Paris, assured him of success, at length condescended to accept the smaller sum of two millions of livres, between one hundred and fifty and one hundred and sixty thousand pounds. Montague remonstrated: Charles repented of his facility, revoked his word, declared to Barillon, the successor of Courtin, that he had not been aware of the difference in the value of the two sums, and, when that minister objected, conducted him to the door, saying, "I am ashamed of the blunder; you must go and settle the matter with the lord treasurer." In conclusion he obtained his demand, with this addition, that the augmented pension should be reckoned from the commencement of the current year†.

In July the adjournment of parliament had been prolonged to December, and a promise was given to Courtin

\* One of Courtin's accounts, dated May 5 of this year, is preserved, stating the distribution of something more than 3,000*l*. Dalrymple, ii. 314. It is remarkable that of this sum 300 guineas were given to Coleman, who laboured to bring about a dissolution, and 500 guineas to Dr. Carey, a dependent on Shaftesbury, who was under prosecution by the house of lords. A pamphlet, voted to be seditious, and supposed to have been written by Shaftesbury was traced to Dr. Carey. He refused to give up the author, and was adjudged to pay a fine of 1000*l*, and to be imprisoned till it was paid. *Movell*, i. 286, 288-546.

† Courtin had received his authority for 200,000*l*. on the 11th of June: and it is probable that Montague discovered it; for on that very day he wrote to the king that, if he had authority to ask, he would engage to procure an augmentation of the pension to that amount. This letter is important, as it shows how early, and how anxiously this indent patriot laboured to indulge the king in his pecuniary dealings with the French monarch. Compare *Dauby's Letters*, 1-37, with the dispatches in *Dalrymple*, ii. 111-116.

that, on the payment of the French pension, it should be again adjourned till April. The four lords in the Tower had consoled themselves with the knowledge that they must be discharged at the close of the session. To their disappointment the session by these adjournments was continued. The prospect of a long and indefinite confinement humbled the spirit of Buckingham, Salisbury, and Wharton, who, having in a petition to the king, revoked their opinion, and stated their repentance, obtained their liberty; but the obstinacy of Shaftesbury disdained to submit: he appealed for protection to the law, was brought by writ of *habeas corpus* before the court of King's Bench, and with the aid of four barristers pleaded his own cause. The judges replied that they could not admit him to bail, because he had been sent to the Tower, not for safe custody, but in execution of judgment: neither could they grant him a discharge, because, that judgment having been pronounced by the house of lords, the case came not within the jurisdiction of the court, pending the session. Seven months later, when the parliament met, the other three lords having previously asked pardon, resumed their seats: but Shaftesbury had sinned more deeply; to the original offence he had added that of appealing from the judgment of his peers to an inferior tribunal, the court of King's Bench, and on that account he was compelled not only to make the same submission with his companions, but also to crave on his knees forgiveness for this breach of the privilege of the house. "My lords," he said, "I go not about to justify myself, but cast myself "at your lordships' feet, acknowledge my error, and "humbly beg your pardon." More than this could not be required. The house was satisfied; and the king ordered the repentant sinner to be discharged from the Tower. No man can doubt that the punishment thus inflicted on the four lords originated in a wish to humble the leaders of an opposite and formidable party. Danby had then a majority at his nod, and could expound the

June  
27.

29.

1678.  
Feb.  
4.  
7.

25.

27.

law of parliament as he pleased: but in the course of two years Shaftesbury rose to the high pre-eminence before possessed by his adversary; and one of his first cares was to procure a vote pronouncing all these proceedings irregular, and ordering every trace of them to be expunged from the journals of the house\*.

The reader is aware that in the year 1674 the prince of Orange had very unceremoniously refused the hand of the princess Mary. Succeeding events had taught him to lament his imprudence. All the flattering predictions of his advisers were falsified, and he discovered that he had given offence to the only prince, who could enable him either to conclude an honourable peace, or to continue the war with any prospect of success. Convinced that it was his interest to seek a reconciliation, he began in the first place by cultivating the friendship of the favourite minister, the lord treasurer; in the next he condescended to solicit that union, which he had previously rejected; and, alarmed at the coldness with which the proposal was received, requested permission to come to England, that he might apologize for his past conduct, and explain his views for the future. Charles, partly through a feeling of resentment, partly through jealousy of his connexion with the popular leaders, affected to hesitate; and, when he gave his consent, made it an express condition that William should leave England before the meeting of parliament. At the close of the campaign he joined his two uncles at Newmarket: the lord treasurer, and Temple, who was returned from the embassy, were devoted to his interest; and their united efforts extorted from the easy monarch his consent to the immediate solemnization of the marriage, though he had previously arranged with James that it should only follow the acquiescence of the prince in their views

\* Marvell, i 348 355 359 St. Trials, vi 1269. North, 71 73. Hall. MSS. 2202. Correspondence of Clarendon and Rochester, i 6, 7. Bulstrode, 272 He acknowledged that "the bringing of the *habeas corpus* " was a high violation of their lordships' privileges, and a great aggravation of his former offence." See Hatsell, ii. App. 395—415.

with respect to the peace of the continent. The duke Oct. was surprised and mortified : but, deeming it his duty <sup>24.</sup> to submit to the will of the sovereign, he accompanied his brother to the council chamber. Charles announced to the lords that he had concluded a marriage between his nephew the prince of Orange and his niece the princess Mary, for the purpose of uniting the different branches of his family, and of proving to his people the interest which he took in the security of their religion. " And I," added the duke, " as father of the bride, have given my consent,—a consent which will prove the falsehood of the charges so often made against me, that I meditate changes in the church and state. The only change which I seek, is to secure men from molestation in civil concerns on account of their opinion on religious matters \*."

This marriage gave universal satisfaction ; and during the festivities with which it was celebrated at court, close and frequent consultations were held respecting the conditions which ought to form the basis of a general peace. But on these occasions the uncle and the nephew met with secret feelings of jealousy and resentment, the prince attributing the preponderance of France to the apathy of the king, the king to the obstinacy of the prince ; the one insisting with vehemence that Franche-compté should be restored to Spain ; and the other as warmly contending that such a demand would oppose an insuperable obstacle to the attainment of peace. At length William yielded : the interests of his ally were sacrificed to the acquisition of a sufficient barrier between France and the United Provinces ; and both parties agreed to propose the following project of a treaty to the powers at war : that Holland and France should mutually restore the conquests which they had made ; that the territory of France should remain *in statu quo* : that the duchy of Lorrain should be restored to the duke, the

\* Danby, Letters, 130—150. 285. Temple, ii. 419 421. James, i. 503—510 Dalrymple, ii. 126.

rightful sovereign; and that Louis should keep possession of the places and countries which he had won from Spain, with the exception of Ath, Charleroi, Oudenarde, Courtrai, Tournai, Condé, and Valenciennes, which towns should be restored, to form a chain of fortresses separating the new acquisitions of France from the ancient boundary of the republic. Charles acknowledged that the ambition of Louis ought to be satisfied with these terms: he even undertook to propose them to the acceptance of that monarch, and to require an immediate and positive answer: but no arts of the prince could draw from his uncle an engagement to join his forces with those of the confederates in the event of a refusal\*.

The king felt the awkwardness of the new character which he had assumed. Hitherto he pretended to no other office than that of mediator, now he took upon himself to arbitrate between the contending powers. He was bound by secret treaty to Louis; he received from him a yearly pension; he had been in the habit of making to him protestations of gratitude and friendship: and yet he was about to dictate conditions of peace which would arrest that monarch in his career of victory, and tear from him a valuable portion of his conquests.

Nov. 10. Having selected lord Feversham† for the mission, he gave him instructions to deliver his message in the least offensive manner; to state that the restoration of the seven towns was a condition from which nothing could induce the prince of Orange to recede; that it was considered necessary for the preservation of Flanders, to

\* James, i 510. Danby, 153—156 Temple, ii 422 Temple, indeed, affirms that the king pledged himself to make war in case of a refusal on the part of Louis (p. 426). It is, however, evident, from the letter of Danby to the prince of Dec 4th, that up to that day no such pledge had been given (p. 162). It may be, that Temple writing from memory has occasionally confounded dates and circumstances. Danby writing at the time, and to the prince, respecting a negotiation in which they were both engaged, could not be in error.

† Louis Duras, marquis de Blanquefort, and nephew to the great Turenne, was a French protestant, naturalized in England, and appointed captain of his guard by the duke of York. He was created baron Duras (19th January, 1673); and on the death of his father in law, the earl of Feversham, succeeded to that title in 1677.



which Louis himself had given up all pretensions; that the people of England were so deeply interested in the fate of that country, that the king could "never live at ease with them," if he were to suffer it to be annexed to France either by war or treaty; that, as the parliament had already compelled him to withdraw from his alliance with Louis, so it was to be feared that they might at last force him into a war against that monarch; and that, should the project of peace be accepted, the acquiescence of the French king in that point "would remove all accidents that might obstruct the existing friendship between the two crowns." Feversham proceeded to Paris; and, as he had nothing more in command than "to desire the most Christian king's judgment on the proposal," it was expected that he would not be detained above two days: but a fortnight passed without any tidings of his return, and the prince of Orange was compelled by despatches from the continent to hasten back to the theatre of war \*.

Nov.  
28.

In the French cabinet Colbert argued warmly in favour of the project; Louvois, who spoke the sentiments of his sovereign, contended for the prosecution of the war. After several delays Feversham received this answer, that Louis had read the proposal with surprise; that to call on him to surrender the seven fortresses was as unreasonable as to amputate a man's feet, and then bid him walk; but that, in proof of his moderation, he would consent to a truce for all the towns, whether they belonged to Spain or Holland, which were situated between the Meuse and the sea, according to the demarcation of 1668 †. The envoy returned; and the next

30.

\* The instructions for lord Feversham have been published by lord John Russell, in his life of William lord Russell, ii. 218—221. They show how incorrect Temple is in his statement of the terms to be proposed by Feversham to Louis.

† Danby, i. 161. By the treaty of April 5, 1668, an imaginary line was drawn from Ostend through Ghent, Rupelmond, and Mechlin to Argenteau, and it was agreed in the event of a refusal to make peace on the part of Spain, that England and Holland should make conquests on the north, and France on the south, of that line. See Dumont, vii. 89.

- post brought advice, that in defiance of the season the French army had taken the field, and had invested Guis-  
lain, which was expected to fall in a few days. Such  
conduct irritated the pride of Charles; he ordered the  
Dec. adjournment of parliament to be shortened from April  
3. the 4th to January the 15th\*; and compelled Montague,  
the ambassador, who had obtained leave of absence, to  
4. return in all haste to Paris. He was instructed to ex-  
press the surprise of the king, that the epithet "unreason-  
able" should be applied to an arrangement which was  
necessary for the preservation of Flanders; his appre-  
hension that the rejection of the project would compel  
him to adopt measures which it was his most anxious  
wish to avoid; his persuasion that the sacrifice demanded  
of Louis was trifling in comparison with the risk which  
he himself must encounter from the discontent of his  
subjects; and his intention of meeting his parliament  
before the French army could have time to extend its  
conquests in Flanders†. On the same day Charles sent  
directions to Hyde, the ambassador at the Hague, to  
propose to the States a new treaty after the model of the  
triple alliance, by which the two powers should be bound  
to each other, not only to defend themselves against all  
aggressors, but also to declare war, England against  
France, the States against Spain, if either France or  
Spain should reject the proposed treaty of peace. The  
11. prince of Orange received this intelligence with feelings  
of astonishment and triumph. He had not expected such

\* That this was the real cause is plain from the instructions to Hyde and Montague. Danby, 161-327. Life of Lord Russell, ii. App. 225. The shortening of the adjournment could not have proceeded, as Dalrymple asserts, (p. 128,) from resentment on account of the stoppage of the French pension; for the first took place on Dec. 3, the latter on Dec. 17. Neither is Dalrymple more correct in his account of the manner of adjournment. The king announced by proclamation that the attendance of distant members on the 3d of December would be unnecessary, as the house would meet only to adjourn to the 4th of April: on account, however, of the change of circumstances, when they did meet, they adjourned at the king's request only to the 15th of Jan. Journals, Dec. 3, 1667.

† See Life of William Lord Russell, ii. App. 224-227. Montague's message was taken by Louis and Louvois as conveying a threat of hostilities to follow. Danby, 41, 42.

a demonstration of vigour from the indolence of his uncle : his influence soon obtained the consent of the States-General ; and in a few days the new treaty was concluded, with the full but unavowed sanction of the Spanish government at Brussels \*. Dec. 31.

Anxious as Louis had always been to prevent the union of Charles with his enemies, yet he did not suffer the apparent hostility of the English king to withdraw him from his purpose.

1. A long time must necessarily elapso before the British troops could take the field. They were not yet levied, nor had any vote of credit been passed for their support. But a fleet might soon be formed of the ships in actual service ; and therefore, as a measure of precaution, he despatched secret orders for the evacuation of Sicily, and the immediate return to France both of his army in that island, and of his naval force in the Mediterranean \*. At the same time he sought to damp 17. the military ardour of his English brother, first, by suspending, though with many apologies and expressions of personal esteem, the payment of the yearly pension, of which 50,000*l.* was actually due : and then by proposing 19. a general truce for twelve months, during which expedients might be devised to satisfy every interest. He assured Montague that no consideration would ever induce him to part with Condé, Valenciennes, and Tournai ; and left it to his minister to add that, if Charles could prevail on the prince to consent to the cession of those places, their full value should be paid to the English king in bars of gold concealed within bales of silk, and any sum which the lord treasurer might name as the

\* Danby's Letters, 161. 162. 166. 326. Dumont, vii. 341. C Journ May 2, 1678. In the treaty both powers agreed to compel jointly France and Spain to consent but in article ix the States assert that they have sufficient assurance of the consent of Spain (*sans certi sunt*), so that the treaty was in reality directed against France alone. Yet this important point was concealed in the abstract of the treaty entered on the journals.

† J'envoyai le maréchal de la Feuillade avec ordre de ramener les troupes, et je lui ordonnai de s'y préparer avec tant de secret et de diligence, que l'union de l'Angleterre avec mes ennemis ne rendit pas leur retour impossible. Œuvres de Louis, iv. 143.

reward of his services should be remitted to him in the shape of diamonds and pearls. As another inducement a hint was thrown out of a marriage between the dauphin and Mademoiselle d'Orleans, the niece of Charles, with the remark, that the interests of that young lady ought to be as dear to her uncle as those of his nephew William. Montague (if he had not already tasted of the bounty of the French king, he had at least received a promise of remuneration) was careful, in the letter which conveyed these proposals, to paint them in the most inviting colours\*. But the king proved himself superior to temptation. On the one hand he was kept steady to his purpose by the representations of Danby, who ardently wished to provoke a war with France, on the other by the Duke of York, who warmly espoused the quarrel of his son-in-law, and flattered his own ambition with the hope of reaping an ample harvest of military glory. At the duke's suggestion instructions were sent for the return of the English troops serving in the pay of France; a strong squadron sailed to the Mediterranean to reinforce the fleet under sir John Narborough; commissions were issued for the completion of the old and the raising of new regiments, and possession of the port of Ostend was demanded from the Spanish government as a *dépôt* for the use of the English army in Flanders†.

2° But besides the sovereign there existed another power, with which Louis did not think it beneath his dignity to negotiate. The marriage of the princess Mary  
 Nov. 3. had convinced the popular leaders that the prince of Orange had abandoned their party. Some of them without delay sought the ear of the French ambassador; a new plan of opposition was devised; and at his suggestion it was resolved to attribute the recall of the English troops from the French service (a measure which they themselves had repeatedly recommended in parliament) to an intention on the part of the king of rendering him-

\* Dalrymple, ii. 128. Danby, 40. 45 48 61

† Danby, 58. 171. 174. 176. 190. Dalrymple, 145.

self absolute with the aid of a standing army. With Jan. these men Barillon was ordered to continue his con- 1.  
 nection : but several, and those the most influential, stood  
 aloof ; and to them the younger Ruvigny was despatched  
 from Paris, as a more acceptable instrument, on account  
 of his relationship to lady Vaughan, and his intimate ac-  
 quaintance with the family of Russell \*. On his arrival 16.  
 he waited on the king and the lord treasurer, to acquaint  
 them that an equivalent might perhaps be accepted for  
 Condé and Valenciennes, but never, in any circumstances,  
 for Tournai. In a private audience with Charles, he  
 made to him the most liberal offers of pecuniary assist-  
 ance, and begged him to be on his guard against the  
 pernicious counsels of Danby, who sacrificed the interests  
 of his sovereign to his own desire of popularity. To  
 Danby himself he repeated assurances of the high esteem  
 in which he was held by the French monarch, and ex-  
 pressed a hope that the minister would employ the in-  
 fluence which he so deservedly possessed both with the  
 king and the prince, to extinguish rather than foment  
 animosities and resentments. Finding, however, that  
 his arguments and eloquence made no impression, he  
 sought and obtained several interviews with lord Holles  
 and lord Russell. The latter he found open and com-  
 municative : the former was cautious and reserved, but  
 a most bitter enemy of the court. Both seemed to ap-  
 prehend that there might exist a secret and collusive  
 understanding between the two monarchs ; that the  
 present appearance of dissension was assumed merely as  
 a feint to furnish Charles with the pretext of demanding  
 a supply ; and that the articles of peace were already  
 settled, and would be made public as soon as the money  
 bill should be passed. But when this cause of jealousy

\* Ruvigny was instructed to apply first to the king, and then, if he failed of success, to lord Russell. He came about the middle of January, returned to Paris on the 8th of February, and came back before the end of the month. Whether he explained himself to Holles and Russell in his first visit is uncertain. The interviews mentioned in the text are detailed in a memoir of Barillon of the 4th of March.

was removed, *they* agreed to append to the supply conditions which should render it unacceptable to the king ; to bring forward charges against the lord treasurer and his friends ; to harass the duke of York and the catholics with the proposal of new disqualifications ; and to employ every means in their power to provoke the king to adjourn or prorogue the parliament ; and Ruvigny, on the part of his sovereign, promised, that, if by their opposition Charles were compelled to renew his connection with France, Louis should employ all his influence to procure a dissolution of parliament, and the ruin of the lord treasurer, two objects equally desired, as equally conducive to their interests, both by the popular party and the French monarch. There is no reason to suppose that Holles and Russell were betrayed into this dangerous and illegal intrigue by pecuniary considerations. It was with them the effect of party zeal and political resentment ; and when Russell was asked by Ruvigny to point out the persons among whom he should distribute the large sum which he had brought with him from France, that nobleman indignantly replied, that he should be sorry to have communication with men, who were to be bought with money. His friends, however, were less scrupulous, and it will subsequently appear that several of them accepted valuable presents from the French monarch \*.

3. From England Louis turned his attention to the Hague. In the united provinces there was scarcely a man who did not wish for a separate peace. Even those who opposed it in the States were not restrained by principles of honour, but by the ascendancy possessed by William, who still refused to hear of any proposal, by which his allies should be abandoned to the resentment of their enemy. But, since his marriage into the royal family of England, his influence had been on the wane ; and his countrymen began to suspect the object of his

\* Dalrymple, 129—136 Danby, Letters, 50. 53. 56 59.

connection with a monarch, whom of all men they considered as their most bitter enemy. To strengthen this impression the French ambassador was plentifully supplied with money, and his agents were instructed to throw out insinuations against the patriotism of the prince, to attribute his obstinacy in opposing a separate peace to his love of military command, and his frequent intercourse with the English court to a joint design of establishing a system of arbitrary power, both in England, and in the Netherlands. The advocates of peace multiplied rapidly: their numbers encouraged them to speak in a bolder tone, and the prince saw that without some very important change in affairs, he should be no longer able to control the general wish of his countrymen\*.

When the parliament met, Charles informed the two Jan. houses that he had made an alliance defensive and offen- 28.  
sive with the States for the protection of Flanders; that having failed in his efforts to procure peace by fair means, he would endeavour to procure it by force; that for this purpose it would be necessary to put ninety sail of ships in commission, and to raise thirty or forty thousand men, and that he therefore expected from his faithful subjects a prompt and plentiful supply, which they were at liberty to appropriate to particular purposes in the most rigorous manner that could be devised. The popular leaders dared not directly oppose this demand; —for they had been the most clamorous among the advocates of war†—but to the address of thanks for the royal speech they artfully appended two very popular but un- 31.  
palatable requests, that the king would never consent, and would bind his allies never to consent, to any peace

\* Danby's Letters, 206 254 329 351. Temple, n. 427.

† Ils disent qu'ils n'ont jamais prétendu s'opposer ouvertement à donner de l'argent au Roi; que ce seroit le moyen de s'attirer la haine du peuple, et le reproche de tout ce qui pourroit arriver dans la suite. Dalrym 134 James, in a letter of Feb 5, observes to the prince, that "those who seemed to be most zealous for a war with France last session, are those who obstruct most the giving a supply." Ibid 147

- which did not confine France within the limits formerly settled by the treaty of the Pyrenees ; and that he would make it a condition of the confederacy, that all commercial intercourse with France should be prohibited, and all articles of French growth or manufacture should be destroyed wherever, either by land or sea, they might be found. Charles commented on this address with great severity of language. He had complied with their request of the 20th of May by making an alliance with Holland ; but they seemed to have forgotten their promise of supplying him with money to accomplish the object of such alliance, and had again invaded his prerogative by prescribing to him the conditions to be inserted in treaties ; but they should know that he held the reins of government in his hand, and would continue to hold them for the safety of his people and himself. In addition they presumed to interfere with the commercial regulations of foreign and independent governments, which must be provoked by such interference ; and to dictate the terms of a future peace, as if they possessed a knowledge of the future contingencies of war ; and this too at a time when not a ship, a regiment, a single penny had been voted to enable him to support the language which they wished him to assume. In the debate which followed, the country party maintained that they dared not grant money for the support of an alliance, the conditions of which had not been communicated to the house : but the minister obtained a majority of forty-two voices, and a supply was voted in general terms for the maintenance of a fleet of ninety sail, and an army of thirty thousand men\*.

The extraordinary conduct of the house of commons induced the king to reflect seriously, before he suffered himself to be irrevocably drawn into the war. The French troops were already in motion : it was plain that his opponents, if they could not prevent, would at least

\* C Journ. Jan. 23. 31 ; Feb. 4, 5 Parl. Hist iv. 896. 915—925.



retard the supply, till it should be too late for him to influence the events of the campaign: the States not only talked of a separate peace, they refused to furnish their quota of ships to the combined fleet, and Villa Hermosa declared that a pacification on any conditions was better to Spain than the continuance of the war\*. Charles began to hesitate: new expedients suggested themselves to his mind; and he resolved to make another effort to procure a peace. As France had expressed a willingness to restore Condé and Valenciennes, the single town of Tournai constituted the principal subject of dispute; and the king persuaded himself that Louis might be brought to accept, William to yield, Charlemont in its place. With this proposal he despatched Ruvigny to Feb. Paris, Godolphin to Holland; but with the intimation 8. that the suggestion proceeded from himself, that he still intended to abide by the determination of his nephew, and that he should consider the investment by the French of any Spanish town before he received an answer, as a declaration of war against England. The reply of Louis was probably evasive, that of the prince of Orange, who had been privately instructed by Danby, a direct refusal†.

While the projects of Charles were paralyzed by doubts and jealousies, Louis displayed a spirit of enterprize, which astonished, and ultimately subdued his

\* See the instructions to Godolphin, Danby's Letters, 346.

† Ibid. also p. 197-204. Dalrymple, ii. 147, 148. Clarend. Corresp. i. 5. On Feb 8th, Danby wrote to the prince that "there was no cause to fear any alteration in the king's but that, if his highness did not approve the having such conditions offered to France, he might be confident he should hear no more of them." Dalrymple, ii. 156. It is probable that this letter was written by the king's order; for the next day Danby writes a second letter, which he desires may be burnt, exhorting the prince to refuse the proposal, and instructing him to return two answers, one private for the minister himself, and another fit to be shown to the king. Danby, 197-199. In this second letter he says, that in parliament "all doubt whether his majesty will go freely into war, and *not without cause*." words whence some writers have not hesitated to infer that Danby thought the king insincere in his present professions. To me, however, it appears from the whole context of his despatches that he does not charge him with insincerity, but fears that the offers and persuasion of the French envoy may induce him to have recourse again to negotiation. See also p. 363.

- Jan. enemies. About the end of January he proceeded from  
 29. Paris to Metz, and every eye was directed to the armies  
 on the Rhine: in a few days Namur, and then Mons,  
 were invested, and the prince of Orange and the Spanish  
 Feb. generals hastened to the protection of these fortresses.  
 14. next Louvois approached Ipres, and its numerous garri-  
 son was confined within its walls: at last the marshal  
 19. d'Humières with a large division sat down before the  
 important city of Ghent, the real object of all these  
 22. movements: in three days the king arrived in the camp;  
 27. the trenches were opened, and the inhabitants capitulated.  
 Mar. Soon afterwards Ipres fell, and Louis, satisfied  
 15. with these conquests, engaged to undertake no military  
 operations during two months. He had opened a road  
 into Holland; he had placed himself in a situation to  
 insult at any hour Brussels, the seat of the Spanish  
 government, and he paused to ascertain what impres-  
 sion this change of circumstances might make on the  
 confederates\*.

- In England the reduction of Ghent provoked a general  
 cry for war. The house of commons hastened to pass a  
 bill, imposing a poll-tax as part of the supply; but the  
 popular leaders were careful to incumber it with pro-  
 visoes thought to trench on the lawful authority of the  
 crown, and to take from its value by the introduction of  
 a clause, which prohibited the importation of French  
 commodities, and consequently lopped off one of the  
 most productive branches of revenue. It was ex-  
 pected that Charles would resent this artifice†: but,  
 guided by the counsels of his brother and the lord trea-  
 20. surer, he silently accepted the bill, despatched three  
 thousand men to Ostend, and issued levy-money to  
 twenty colonels, each of whom bound himself to raise  
 a regiment of one thousand men in the space of six

\* Louis, iv 123—162.

† Charles adverted to this artifice in the next session, and declared that, if such innovation were continued of "tacking together" matters of a different nature in the same bill, "that bill should certainly be lost, & the importance of it be never so great" C. Journ. May 23, 1678.

weeks. His adversaries in parliament were surprised at his vigour, but did not relax from their efforts to embarrass his proceedings. Lord Russell inveighed with warmth against popery, and a standing army; sir Gilbert Gerard hinted a suspicion that, if the new regiments were raised, they would be employed, not against the enemy, but the liberties of the country; a committee was appointed to inquire into the dangers with which the established church was threatened by the growth of popery; and an address was voted, praying the king to declare war without a moment's delay, to dismiss the French envoys, and to recall his own commissioners from the congress at Nimeguen. The object of the supply, and the tone of this address, provoked Ruvigny and Barillon to expostulate with their friends, the former with the lords Russell and Holles, the latter with Buckingham and Shaftesbury. They all returned the same answer, that they had violated no pledge; that to oppose the grant of money would have been dangerous, but they had clogged it with conditions most offensive to the king; and that in moving the address they had sought to draw from him the disclosure of his real intentions, an object not more beneficial to themselves than to the French monarch; for, were he once with the aid of an army to secure the persons of his political opponents, he would be able to obtain from a servile parliament whatever aid he might demand for the prosecution of the war. Lord Russell carried up the address to the house of lords for their concurrence: but they contended that it would be folly to plunge the nation into hostilities without some previous knowledge of the intentions of the allies. A conference followed: neither house was convinced by the other; and the lords in conclusion returned a direct refusal\*.

The fact was that the success of Louis had subdued the obstinacy of the confederates. The emperor, the

\* C Journ. Feb. 18; March 8. 15. 22. I. Journ. xiii. 186. 192. 196. Parl. Hist. iv. 940-956. Barillon, 134. 137.

M<sup>ontague</sup>. queen of Spain, the prince of Orange, acquainted the  
 17. king by their ambassadors that they no longer objected to the cession of Tournai, and in addition of Valenciennes, if France would restore the other five towns, and with them her recent conquests \*. Charles received the information with joy : of the acquiescence of Louis he entertained not a doubt, and instantly devised a plan of providing for his own interests, while he seemed to  
 25. consult only those of the allies. Calling for Danby, he compelled him to write to the ambassador at Paris the celebrated letter, which at a subsequent period led to the disgrace and ruin of that minister. By it Montague was told that in the official despatch he would find instructions to do nothing more than sound the disposition of Louis in respect to these terms ; because it was necessary to keep secret the real object of the king. He was, however, to make the proposal, and to pledge the word of his sovereign for the consent of Spain and the States. If it were rejected, he was to add nothing more ; but, if accepted, to demand for Charles, as the reward for his good service, a pension of 600,000 livres during the three following years. A postscript was added in the hand of the king : " this letter is writ by my order, C. R. +." By

\* M. le duc de Villa Hermosa a répondu qu'il acceptera les conditions . . . Pour nous, nous ferons de même, et ainsi voila la paix faite si la France continue à la vouloir sur ce pied, de quoi je doute fort. The answer to Danby, March 17, p 214. See also Danby's Letters (Ibid 210); and Hyde's from the Hague, Ibid. 329.

† Danby, 70—76. The facts that the bill for the poll-tax received the royal assent on the 20th, and that the king proposed terms of peace to Louis on the 25th, have induced most writers to charge him with deceit, with pretending hostility to France till the money was voted, and then seeking a peace, that he might put the money in his pocket. But attention to dates and events will not justify the inference. It was not before the 14th of March that the bill passed the lords, when it was known that a strong inclination to make peace existed in the Dutch and Spanish councils. On the 15th the two houses informed the king that they had provided money, and wished him to declare war without delay. He waited four days before he returned an answer, expecting probably certain intelligence from the continent. It did not, however, arrive, and on the 19th he promised to pass the bill, which he did the next day. The prince of Orange wrote his answer, stating that all parties would accept the conditions formerly proposed, on the 17th, which would reach London between the 20th and 25th, and on the receipt of this answer, the king ordered the proposals to be sent to Montague.

Louis the offer was refused without hesitation : it came, he said, too late ; his recent successes entitled him to greater advantages ; he might, indeed, restore Guislain April and Ghent, but he would retain Ipres ; and he had 1. given instructions to his envoys at Nimeguen to make an almost similar proposal to the confederates, by which, however, he should not hold himself bound unless it was accepted by a certain day. Charles was disappointed and offended : his warlike spirit revived, and he suggested to the foreign ministers at his court the conclusion of a quadripartite alliance, which he would follow up with a declaration of war. The Spanish ambassador and the Imperial envoy assented with joy, but the Dutch hesitated : he had neither powers nor instructions, and dared not act without them \*. That he might have time to consult the States, the parliament, which had 15. met after the Easter recess, was adjourned for a fortnight, and in that interval Van Beuningen received the necessary powers, but without any instructions for his guidance. It was before suspected, it now became manifest, that the States would enter into no engagement, which might throw obstacles in the way of a separate peace. Before a few days were passed, they 29. voted a resolution to accept the terms offered by France.

On the meeting of parliament, the lord chancellor, by order of the king, explained to the two houses the past course and the present state of these negotiations, and in conclusion solicited their advice, with a promise that it should be faithfully followed. But the popular leaders had not forgotten their engagement to the French ambassador †. They induced the house to listen to a long and tedious report from the committee for religion, which had discovered that a dozen catholic priests resided in the counties of Hereford and Monmouth, and that the

\* Dalrymple, 155. C Journ. App 29 The next day Danby complains to the prince—" I do from my soul believe that our parliament and your " States contribute more to the service of the French King than the best " army he has could do." P. 219.

† See p 38.

laws which gave two-third parts of the estates of catholic recusants to the crown, were often evaded by means of secret trusts and conveyances. This was sufficient ; the alarming intelligence awakened the fears of the godly and the credulous ; and a resolution was passed, that the house could not, consistently with its duty, lay any additional charge on the people, till the kingdom was " secured, and the dangers were prevented, which might " arise from the prevalence and the countenance given to " the popish party\*." When the king heard of this vote, so unfounded in fact, and so insulting to his government, he burst into expressions of astonishment and indignation ; he saw that the object of its authors was to fortify themselves with the passions of the people, and to connect the refusal of supplies with the security of religion ; and he openly charged with deception those among his counsellors who had urged him to enter into war on the ground that he would meet with the co-operation of parliament. There remained, he said, but one resource for himself. The confederates were willing to accept the terms offered by France : they should have his assistance ; and he would demand money for concurring in the accomplishment of a pacification, which would equally be accomplished without his concurrence.

May 1. With this view he wrote a conciliatory letter to Louis, and ordered the lord treasurer to commence a negotiation with the French ambassador. The subsequent proceedings in parliament served to confirm him in his determination. The commons voted an address for the removal of the duke of Lauderdale, pronounced the alliances lately concluded by the king inconsistent with the good and safety of the kingdom, advised him to comply with their previous addresses, and prayed him to banish from his presence the counsellors who had in-

\* The evidence, on which this vote was founded, occupies five folio pages in the printed journals, under the date of April 29, and deserves attention, as it shows what titles may serve to raise the fiercest ebullitions of religious animosity under the management of bold and artful leaders. Journals, App. 29.

duced him to reject their first advice. Charles on the other hand informed them that without a prompt supply a portion of the fleet must be laid up, and a considerable reduction be made in the army. After some debate they refused to consider the subject, and the king sending for them to the house of lords prorogued the parliament, but only for the short space of ten days\*.

Louis, in the mean time, aware of the impression which his victories and his emissaries had made on the public mind in Holland, despatched a letter of the most pacific tendency to the States, and awaited their reply in his camp at Wetteren, on the right bank of the Scheldt. They immediately consulted the English, Spanish, and Imperial ambassadors, who, by the secret advice of the prince, returned for answer that they ought to abide by their engagements, and refuse to negotiate unless it were in company with their allies. But Louis had already won a separate peace by the capture of Ghent†. The desire to remove the French army to a distance from the frontier, aided by the distribution of French gold, bore down all opposition; and the prince himself, warned of the unpopularity of his resistance, and driven to despair by the recent conduct of the English parliament, gave a tardy and reluctant assent. Van Beverning proceeded to the French camp, and an armistice was concluded to allow time for the discussion of the articles of peace‡.

\* Temple, ii. 434. Louis, iv. 163. Dalrymple, 172. C. Journ. App. 29 May 4, 7, 8, 10, 11, 13. The parties were so equally balanced, that the fate of every question seemed doubtful. The vote for an address against Lauderdale was carried by a majority of 45. On the next day the address itself was rejected by a majority of six, and on the following it was inserted as an amendment in another address by a majority of eight.

† *Sa prise a forcé mes ennemis à la paix, les mettant hors d'état de soutenir la guerre.* Louis, iv. 146. Some of his council thought it beneath the king to solicit peace: mais, he adds with great complacency, le bien public, se jouant à la gloire de me vaincre moi-même, l'importa. Ibid. 163.

‡ Ibid. 165, 166. Temple, ii. 437. Clar. Corresp. i. 17. Danby's Letters, 254, 338, 341, 358. "The prince said to me alone, that finding the 'distractions and divisions increase every day in parliament, was that' which did most of all discourage him from struggling any longer against

- That he might not be disappointed of his object by the interference of England, Louis commissioned Barillon to make a new offer to Charles. Danby no longer advised hostilities—he was deterred by the visible reluctance of the confederates, and the violence of his political enemies—the duke of York sacrificed his ambition of military glory to his fear that a war would enable the popular party to make new inroads on what he deemed the legitimate authority of the crown \*; and Charles readily subscribed a secret treaty, by which it was stipulated, that, unless the States signified their formal acceptance of the terms offered at Nimeguen within the space of two months, the English king should withdraw his forces from the continent with the exception of three thousand men, to form the garrison of Ostend, and should receive from Louis in return the sum of 6,000,000 livres (450,000*l.*) by four quarterly instalments. Barillon, however, was not forgetful of his engagement with the popular leaders, and therefore made the first payment depend on two important conditions, the prorogation of parliament for four months, preparatory to a dissolution, and the reduction of the English army to the small force of six thousand men †.
23. The moment the parliament met, the altercation between the king and the commons was revived. The latter proposed in an address to the throne that war should be declared, or the army be disbanded, without delay.
27. Charles replied that in one case he might be left to fight without allies, and in the other his allies might be compelled to fight without him. *They* resolved that all the forces levied during the last seven months “ought to be paid off and disbanded *forthwith*,” and voted the sum of 200,000*l.* for that purpose, on the condition that the disbanding should be effected in the short space of three weeks. *He* begged to learn whether it was their inten-
- May 17.  
30.  
June 4.  
7.

“the inclinations of this whole country to the peace.” Godolphin to Dauby, May 14. *Ibid.* p. 361.

\* See his letters to the prince, Dalrymple, 172—175.

† Dalrymple, 159—168.



tion that the English garrisons in the towns of Flanders should be withdrawn before they could be relieved by Spanish troops; and his opponents, ashamed of their precipitancy, extended the three weeks to sixty days for the regiments serving beyond the sea, but passed a resolution that after three days no additional motion for a supply should be made during the session. The king then called them before him, reminded them of the public debt, which had been contracted some years before, and of the anticipations on the actual revenue, occasioned by his preparations for war, and condescended to request that, if they meant him to pursue hostilities with the petty state of Algiers, or to take that part in continental politics which became the dignity of the crown, or to lead the remaining portion of his life in ease and quiet, they would add to his annual income the sum of 300,000*l*. But this appeal to their feelings was useless: the house passed contemptuously to the order of the day\*.

In the meanwhile the negotiation between Louis and the States was transferred from the French camp to the congress at Nimeguen. Every question respecting the personal interests of the two parties was speedily and amicably arranged; a day for the signature of the treaty was appointed; and an armistice for six weeks allowed time for the Spanish government to signify its acceptance of the terms previously offered by Louis. It chanced, however, that a question put by Doria, the Spanish ambassador, drew from the French commissioners an avowal, that, though it was the intention of their master to restore the six towns to Spain, he would continue to hold them as securities for his ally, the king of Sweden, till the emperor should have restored the conquests which he

\* C. Journ. May 27, 28; June 4 7 13. 15. 18. Parl. Hist. iv. 977 983 986. 994 On the last day a test was proposed for the discovery of such members in that house as had received bribes or any other consideration for their votes, either from the English government or foreign powers. The popular leaders spoke warmly in its favour, but before the last division took place, about 100 members slipped out of the house, and the motion was lost by a majority of 14 C. Journ. June 1<sup>st</sup>. Parl. Hist. v. 1000.

had made from that prince. This declaration put an end to the treaty. The States forbid their commissioners to sign without new instructions; Charles expressed his conviction that Louis sought only to divide, and by dividing to oppress, the confederates; and the council unanimously adopted the advice of the duke of York, to enter immediately into the war. The period for disbanding the army was in consequence prolonged\*; four thousand men led by the earl of Ossory joined the English regiments in Flanders; another corps of equal force held itself in readiness to embark under the command of the duke; and Temple hastened to the Hague, where, in defiance of French influence, he concluded a treaty stipulating that, unless France should recede from its new pretensions in favour of Sweden within fourteen days, the two powers should unite their forces to compel the acceptance of the proposals formerly made by the king of England, or such other conditions as the success of the confederates might entitle them to demand †.

\* This prolongation revived a question of privilege between the houses. In the bill granting 200,000*l*. for the disbanding of the army, the lords introduced an amendment prolonging the time from three weeks to the end of July, even for the forces in England. The commons acknowledged the propriety of the delay, but denied the right of the lords to make any alterations in a money bill, and therefore rejecting the amendment substituted a proviso to the same purpose. The lords rejected the proviso in return; and the commons passed a resolution that "all aids in parliament are the sole gift of the commons, that all bills for that purpose ought to begin with the commons, and that it is the undoubted and sole right of the commons to direct, limit, and appoint in such bills the ends, considerations, conditions, and qualifications of such grants, which ought not to be altered by the house of lords" (C. Journ., July 3). This doctrine was, however, denied by the lords. It was, they replied, founded solely on the act of Henry IV. entitled "*Indemnité des seigneurs et communes*," which took, indeed, from the lords their former right of originating such bills, but left all other legislative rights as full and free to one house as to the other. The commons might keep it a *venia quæsto*, as long as they pleased; but the lords would never surrender the exercise of their hereditary privileges. Charles feared that he should lose the bill, and with it the sum of 200,000*l*., no trifling consideration to the indigent monarch: but the lords left the bill at the conference, and refused to take any further notice of it: and the commons yielded so far as to introduce a new bill, of which the rejected amendment formed a part. In this state it passed both houses.

† Temple, ii. 438—443. Jenkins, iii. 389. Durnout, vii. 348. (Clarend. Corresp. i.—21. Dainymple, ii. 181—188. Danby, 226 228 253 291. It appears to me that the king was sincere in these proceedings, as he must

Though Louis was disconcerted by this display of spirit, so unexpected on the part of the English king, he did not despair of subduing the obstinacy of the States. With this view his commissioners at Nimeguen employed for thirteen days every art which diplomatic finesse could devise. They declared that the resolution of their master was irrevocably taken; they suggested forms of compromise, the substitution of an equivalent in favour of Sweden, the discussion of the subject at Ghent or St. Quintin in the presence of Louis: but on the fourteenth, July 31. when every man looked forward to the renewal of hostilities, they announced their willingness to yield, on condition that the peace were signed before midnight. Van Haren, one of the Dutch commissioners, hesitated, because he had understood that not only the peace with the States but also that with Spain was to be signed at the same time: his scruples, however, were removed by the authority of his colleague Van Beverning, and both in conjunction with Odyck, the third commissioner, subscribed the same evening two treaties, one of peace, and another of commerce, between France and the United Provinces, without any particular stipulation in favour of Spain. The intelligence excited surprise at the Hague: but it was believed that Beverning acted in pursuance of private instructions from the city of Amsterdam; and peace was so welcome to almost every class among his countrymen that he had little to fear from the resentment of those who sought a continuance of the war\*.

have foreseen, what accordingly happened, that he would forfeit of course the 6,000,000 livres which had been promised to him by Louis.

\* Temple, ii. 444—455. Jenkins, ii. 418—420. Dunont, vii. 350. It was proposed that Charles should guarantee the places in question to Sweden. He was even induced to order Temple to go from the Hague to Nimeguen for that purpose. Thus the French party at the Hague was fired from the presence of a man whose influence they feared, and with the aid of De Crosse, the Swedish agent who brought the order, circulated a report that a secret understanding still existed between Charles and Louis. Thus, it was believed, led to the clandestine mission of Boreel from the city of Amsterdam to Van Beverning. Temple, ii. 445—449. Dalrymple, ii. 178. Danby, 256. 289.

To this event, so unexpected by the other powers of Europe, succeeded another which excited equal surprise. On the fourth day after the conclusion of peace, the prince of Orange fought the fierce and sanguinary battle of St. Denis. Of the few fortresses, which still remained in the possession of the Spaniards, Mons was the first in strength and importance; but on the east of Mons lay the hostile garrison of Binche, on the west that of St. Guislain; the country to the south was in the hands of the enemy; and early in the spring a strong corps, passing the river Haine, had formed an entrenched camp to the north, and intercepted the communication with Brussels. The blockade had already produced a scarcity within the walls; and in the councils of the confederates it was resolved to make the relief of Mons their first object after the termination of the armistice. With this view the prince, anticipating nothing less than the signature of the treaty, ordered his forces to assemble on Aug. the 30th of July, and on the 4th of August led them  
4. against the enemy, who were commanded by the duke of Luxembourg. In the valley in front of their camp the French held two fortified positions, the abbey of St. Denis, and the ruins of a fortress called Casteau: the first after an obstinate struggle was carried by the prince of Orange, the second by the duke of Villa Hermosa; but the enemy recovered the latter towards the evening, pursued the Spaniards into the plain, and would have cut off the retreat of the Dutch from St. Denis, had they not been kept at bay by the desperate resistance of the English auxiliaries under the earl of Ossory. During the night the two armies resumed their former positions\*.

By many, this action, in which the lives of five thousand men were sacrificed, has been deemed a foul blot on the character of William †. That he was ignorant of the conclusion of peace no man could believe.

\* For this battle see the memoirs of lord Castlehaven, who held a command in the Spanish army, App 52—56

† See Louis, iv. 171, 172. James, i 511

The proceedings at Nimeguen, which were already known in London \*, could not be unknown in the neighbourhood of Brussels; and his haste to commence the battle, though a British force of eight thousand men was on its march to his assistance, proved his anxiety to anticipate the arrival, if it had not already taken place, of contrary orders from the States.

But even ignorance in his circumstances could not form a valid excuse: to justify the renewal of hostilities, he ought to have *known* that the French had suffered the term of fourteen days to elapse without accepting the conditions of peace. It is not, however, difficult to discover the motives by which he was actuated. On the one hand, it was of the first importance to Holland that Mons should not fall into the possession of the French, and yet, though the garrison was reduced to extremity by famine, no provision had been made for its relief in the treaty: on the other a victory, obtained over the blockading army, would probably prevent the ratification of the peace, and give to William himself the undisputed ascendancy over his political opponents †. The attempt was therefore made; and, though he gained no victory, the fortress at least was saved. The next morning the Aug. duke of Luxembourg announced to him the conclusion 5 of peace; the armies, after several conferences, separated, 9, that of the allies retiring towards Nivelles, that of France towards Ath, and the communication between Mons and the capital was once more restored ‡.

In England the duration of the session and the expectation of peace, had drawn from parliament several grants of money for the purpose of discharging the extraordinary expenses incurred by the preparations for

\* See the Duke of York's letter of Aug. 4, in Dalrymple, ii. 189, and Danby's of Aug. 5, Letters, 293.

† Louis, iv. 167. Dalrymple, ii. 189, 190. Danby's Letters, 232 "If God bless the prince in this one enterprise of Mons, he will be greater here than ever his ancestors were." Temple, in Danby's Letters, 254.

‡ Dumont, vii, 364.

- July war. A prorogation followed: Charles found himself  
 15. at the head of a numerous army, with 800,000*l.* at his command; and he resolved to keep his word to the prince of Orange, and to teach his brother of France the value of his friendship. Fresh bodies of troops were successively sent to Flanders; the Spaniards received assurances of the king's readiness to procure for them the conditions formerly offered at Nimeguen. and the States were summoned in pursuance of their late treaty, to unite with England for the purpose of compelling the French king to stand to his promise\*. But it was too late to kindle again the dying embers of war. His interference, indeed, encouraged the Spaniards to demand more favourable conditions; and it gave so much confidence to the Antigallican party in the States, that the prince still cherished a hope of recovering the ascendancy; but Louis knew how to yield when it was for his interest. He had already  
 Aug. 8. ratified the peace on his part: his ambassadors were  
 Sept. 1. instructed to assume a tone of unusual moderation; they receded from several of their demands; and every subject of dispute with the Spanish ambassadors was referred to the decision of the Dutch. This policy succeeded, and the confederacy was broken. Before the  
 7. expiration of the six weeks the Spanish ambassadors reluctantly submitted to the terms dictated by their  
 1679. powerful enemy; in a few months the emperor and the  
 Jan. 20. empire followed their example; and an end was put to

\* Temple professes himself ignorant why Charles acted with so much vigour on this occasion; but says that he was advised afterwards that the king's object was to please the parliament on account of the discovery which was then made of the "plot." That, however, is impossible. For Hyde was despatched to Holland on the 12th of August (Danby, 232. Dalrymple, II 190), and it is certain that the first intimation of the plot was given to the king on the following day. From the letters of Danby and the Duke of York, it appears that the king could not learn the articles of the treaty signed by the Dutch, but knew that worse terms had been offered to the Spaniards than before; that he believed Louis did not intend to make a general peace; and that the account of the battle of St. Denis sent by the prince taught him to expect a second battle, and a continuation of the war. Danby's Letters, 232, 233, 256. 296.

the war, which had raged for six years from the shores of the Baltic to those of the Mediterranean\*. That the result so glorious to Louis, so alarming to the other princes of Europe, was in a great measure owing to the indecisive, vacillating, and contradictory conduct of the English cabinet, cannot be denied. But the blame must not be laid exclusively on the king : it ought to be shared with him by the leaders of the country party. If his poverty, his love of ease, his fear of the opposition in parliament, taught him to shrink from the cares and embarrassments consequent on a declaration of war, *their* desire of popularity, combined with party spirit, perhaps with more mercenary motives, led them to act in opposition to their professions, to urge the king to take part in the quarrel, and at the same time to prevent him from following their advice by denying him the necessary supplies. In truth, the jealousy of the two parties was so deeply rooted, their strength in the house of commons so nearly balanced, that the powers of government became paralysed, and the crown of England lost its legitimate influence in the counsels of Europe.

From continental politics the reader must now divert his attention to one of the most extraordinary occurrences in our domestic history, the imposture generally known by the appellation of Oates's plot ; an imposture which, brought forward in a time of popular discontent, and supported by the arts and declamations of a numerous party, goaded the passions of men to a state of madness, and seemed for a while to extinguish the native good sense and humanity of the English character.

Its author and hero was Titus Oates, alias Ambrose, the son of a ribbon-weaver, who, exchanging the loom for the bible, distinguished himself as an anabaptist minister during the government of Cromwell, and became an orthodox clergyman on the restoration of the ancient dynasty. Titus was sent to Cambridge, took

\* Dumont, vii. 352 363 376.

orders, and officiated as curate in several parishes, and as chaplain on board of a man-of-war; but all these situations he successively forfeited in consequence of his misconduct, of reports attributing to him unnatural propensities, and of the odium incurred by two malicious prosecutions, in each of which his testimony upon oath was disproved to the satisfaction of the jury. Houseless and penniless, Oates applied for relief to the compassion of Dr. Tonge, rector of St. Michael's in Wood-street, a man in whom weakness and credulity were combined with a disposition singularly mischievous and astute. Tonge had proclaimed himself an alarmist: his imagination was haunted with visions of plots and conspiracies; and he deemed it a duty to warn his countrymen by quarterly publications against the pernicious designs of the Jesuits\*. In Oates he found an apt instrument for his purpose; and, as the example of Luzancy held out a powerful invitation to informers against the catholics, it was arranged between them, that the indigent clergyman should feign himself a convert to the catholic faith, and under that cover should seek to worm himself into the more secret councils of his instructors. He was

1677. reconciled by a priest of the name of Berry†, who ob-  
 June tained for the neophyte a place in the college under the administration of the English jesuits at Valladolid in Spain. But the habits of Oates accorded not with the discipline of a college, and after a trial of five months he was disgracefully expelled. By the advice of Tonge he

Oct. 30. made a second application; his tears and promises subdued the reluctance of the provincial; and the repentant sinner was received into the college at St. Omer.

Dec. 10. But Oates was still unable to govern his unruly disposi-

\* "As all a man of my rank could do, I resolved to oppose yearly and quarterly, if possible, some small treatises in print to alarm and awaken his majesty and these houses." Tonge's information to the house of commons, in L. Estrange, Brief History, ii 53

† Berry, alias Hutchinson, was first a clergyman of the established church, then a jesuit, next a secular priest, afterwards a protestant and curate of Berking, and, last of all, a second time a catholic. It was generally understood that he was deranged.



tion; again he suffered his real character to pierce the flimsy cover which his hypocrisy had thrown over it; and his petition to be admitted into the novitiate was answered by a peremptory order for his expulsion. From <sup>1678</sup> St. Omer he repaired a second time to his patron: but <sup>June</sup> 23. the information which he had been able to glean from the reports current among his fellow students was scanty and uncertain; and the only thing of seeming importance which he could communicate was the bare fact, that several jesuits had, in the month of April, held a private meeting in London. On this foundation, however, frail and slender as it was, the two projectors contrived to build a huge superstructure of malice and fiction. The meeting was in reality the usual triennial congregation of the order: *they* represented it as an extraordinary consult for a particular purpose: it was composed of the provincial, and the thirty-nine eldest members: *they* introduced into it almost every jesuit with whose name Oates was acquainted: it had been held with much secrecy, but imprudently enough, in the duke of York's palace at St James's\*: *they* fixed it at an inn in the Strand, the former inmates of which were no longer to be discovered: it had for its object the nomination of the treasurer, and the arrangement of the internal concerns of the society; *they* described it as a consultation on the most eligible means of assassinating the king, and of subverting by force the protestant religion. In support of this fable they subsequently invented an immense mass of confirmatory evidence, detailing the conveyance of treasonable letters, the subscription of monies, the distribution of offices, and the preparation of a military force; and when the narrative <sup>Aug</sup> (so it was afterwards termed) had assumed the proper 1. shape, it was written in Greek characters by Oates, then copied in English characters by Tonge, and lastly communicated under a promise of secrecy to one Kirkby.

\* Reresby, 195.

who, having been occasionally employed in the royal laboratory, was personally known to the king\*.

- Aug. On the 13th of August, at the moment when Charles  
 13. was preparing to walk in the park, Kirkby stepped forward, and in an under tone begged him not to separate from the company, because his life was in danger. The alarming intelligence made no sensible alteration in the royal manner; but it led to a private interview in the evening, when Tonge attended with a copy of "the narrative," divided into forty-three articles, and was immediately referred by the king to the lord-treasurer; to whose inquiries he replied that the original narrative had been thrust under the door of his chamber; that he knew not the author, but was possessed of a clue, which might lead to the discovery; and that he would endeavour to learn the residence of Pickering and honest William who had undertaken to assassinate the king, or would point out their persons when they were walking, according to their custom, in the park. The coldness with which the discovery was received goaded the projectors to new exertions: additional articles were sent  
 17. in; the days when the assassins might be apprehended  
 20. at Windsor were named; and excuses, to account for their non-appearance, were successively framed. By  
 23. this time Charles had become incredulous; he laughed at the simplicity of Danby; and when that minister solicited permission to lay the narrative before the privy council, hastily exclaimed, "No, not even before my  
 "brother! It would only create alarm, and may perhaps put the design of murdering me into the head of  
 "some individual, who otherwise would never have entertained such a thought†."

\* L'Estrange, Brief History, ii 81 91. 101. 102. The Shammer Sham'd, p 8. Preface to Tonge's Royal Martyr. Castlemaine's Apology, 57, 63. "Vindication of the English Catholics from the pretended "conspiracy against the life & government of his sacred majesty, discovering the cheife lyes and contradictions contained in the narrative of "Titus Oates, M DC LXXX.," with an Appendix of twenty attestations of affidavits; and Florus Anglo Bavaricus, London, 1685, p. 93 200

† Brief Hist. 104. Echard, 947. Vindication, 20. Kirkby's "Complement

Danby had insisted on the inspection of some of the numerous papers mentioned in the information. After repeated evasions, he was told that a packet, containing treasonable letters, would on a certain day arrive at the post-office, addressed to Bedingfeld, the confessor to the duke of York. To intercept it, the lord treasurer <sup>Aug.</sup> hastened to Windsor; but found the letters already in 31. possession of the king: for Bedingfeld had previously received them, and under the persuasion that they were forgeries, had delivered them to the duke. A rigorous examination took place. One was evidently written by the same person who had penned the information presented to the king by Tonge: the similarity of the other four, though in a feigned hand, plainly showed that they must have been the work of one individual. In addition, they all presented the same absence of punctuation, the same peculiarities of spelling and language, and the same ignorance of the real names of the supposed writers and their friends, though they purported to come from five different persons of good education, writing some from London, and others from St Omer. It was impossible to doubt of the imposture, or of the office in which the letters had been forged\*.

Soon after the transmission of these letters, Oates

"and True Narrative," with Danby's impartial state of his case, and his plea in the journals of the house of lords, xiii. 538.

\* See the letters in L'Estrange (*Observator*, ii. 150, 151, 152, 153. and *Brief Hist.* ii. 7); also James (*Memoirs*), i. 517—519. The fraud was so manifest, that the crown lawyers thought it proper to suppress the letters at the trials which followed. On October 16th, the letters, together with the other documents, were laid before sir William Jones, the attorney-general, with an order for him to make "a state of the evidence." His remark on the letters is singular. "If they can be so proved as to be heaved to be the hands of the several persons by whom they are said to be written, they do fully make out the guilt of the writers, and do much confirm all the rest that hath been deposed by Mr. Otes . . . but against the truth of the said letters there are many objections, some from the prisoners, others from the letters themselves, and the way of their coming to light. the particulars thereof, as they are many, and some resulting from the inspection of the letters themselves, so I doubt not but the same are fully remembered by your majesty." *Brief Hist.* ii. 5, 6. Yet the man, who came to this lame and impotent conclusion, not only did not allow the prisoners the benefit of such objections, but repeatedly asserted to the court that, whoever doubted of the existence of the plot, must be an enemy to the king, and the religion of his country!

Sept and Tonge, under the pretence of concealment and security, repaired to the lodgings of Kirkby at Vauxhall. That dupe repeatedly attended at court, and presented himself before the king; but Charles, who had already formed his opinion of the plot, invariably passed him by without notice. It was not, however, the intention of the projectors to suffer the discovery to be buried in silence. Distrusting the intention of the council, Oates made affidavit to the truth, first of the original narrative of forty-three, and then to the improved edition, of eighty-one articles, in the presence of sir Edmondbury Godfrey. That magistrate, surprised to discover in the list of conspirators the name of his friend Coleman, revealed the secret to him, and Coleman immediately communicated it to the duke of York\*.

James had already persuaded himself that this pretended plot, if not originally devised, would subsequently be employed, for the purpose of excluding him from the succession; and on that account had repeatedly conjured his brother to bring the informer before the council, and to institute a strict inquiry into the truth or falsehood of his testimony. Hitherto Charles, through his love of ease, and apprehension of the consequences, had refused his consent; and (which seemed more surprising) Danby himself concurred in praising the resolution of the sovereign. But the duke entertained no doubt that the real object of the treasurer was to suppress all knowledge of the plot till the meeting of parliament, and then to call for an inquiry into its existence, that he might divert the attention of the two houses from the impeachment which was still hanging over his head. The affidavits of Oates confirmed his suspicions: he renewed his arguments and entreaties, and Charles with much reluctance ordered Tonge to produce the former before the privy council.

At the appointed hour Oates appeared in a clerical

\* Kirkby's "Compleat and True Narrative," Sept. 2. 5. 7, 8, 9. 27.

gown and a new suit of clothes procured for the occasion. The assurance with which he delivered his narrative imposed on many of his hearers. He stated 1. that the order of the jesuits had undertaken to re-establish the catholic religion in the British dominions by rebellion and bloodshed: 2. that their plan of operation comprised Ireland, where some of them were employed in organizing an insurrection and massacre; Scotland, where others, under the disguise of Cameronian ministers, opposed the establishment of episcopacy; Holland, where a third party sought to raise the adherents of France against the prince of Orange; and England, where a fourth was plotting the assassination of the king, and not of the king only, but also of his brother, if the duke should prove unwilling to join in the attempt: 3. that they were in no want of pecuniary resources; for they had 100,000*l.* in bank, were in the yearly receipt of 60,000*l.* in rents, and had obtained from Leshee (La Chaise), the confessor to the French king, a donation of 10,000*l.*, and from de Corduba, the provincial of New Castile, the promise of an equal sum towards the accomplishment of this holy undertaking: 4. that in March last a man named honest William, and Pickering, a lay brother, were repeatedly commissioned to shoot the king at Windsor; and that, the failure being attributed to negligence, the first had received a severe reprimand, the second twenty lashes on the bare back: 5. that on the 24th of April a grand consult of jesuits from all parts met at the White Horse tavern in the Strand, to determine on the most eligible method of taking the king's life; that three sets of assassins were provided, the two persons already mentioned, two Benedictine monks, Coniers and Anderton, and four Irishmen of unknown names, procured and instructed by Fogarty; and that in addition the reward of 10,000*l.*, and subsequently of 15,000*l.*, had been offered to Wakeman, the queen's physician, if he would poison the king. Of Wakeman's answer he was indeed ignorant; but had

28.

heard that he gave his assent, and had frequently seen him since that period in the company of jesuits: 6. that he had arrived at the knowledge of the conspiracy by the following contrivance. His feigned conversion had so far won for him the confidence of the superiors of the order, that they sent him in the first place with letters to the jesuits at Valladolid, which letters he had the curiosity to open and peruse at Burgos. From Valladolid he proceeded on a similar mission to Madrid, returned thence through Valladolid to England, was sent back to St. Omer, accompanied the fathers from St. Omer to the grand consult, went with them again to St. Omer, and returned with new instructions to England: on all which occasions, so great was the trust reposed in his faith and honesty, that the contents of the papers which he carried were communicated to him by his employers: 7. that since his return he had learned, that the jesuits were the projectors of the fire of London in 1666, and had spent seven hundred fire-balls in nourishing the conflagration; but, to indemnify themselves, had carried off one thousand carats of diamonds, and made a clear profit of 14,000*l.*: that this success had encouraged them to set fire to Southwark in 1676, by which they had gained 2,000*l.* above their expenses, and that they had now under consideration a plan for the burning of Westminster, Wapping, and the ships in the river: 8. that the pope by a very recent bull had already appointed certain individuals, whom he named, to all the bishoprics and dignities in the church of England, under the persuasion that by the murder of the king the catholic religion would rise to its former ascendancy: and lastly that he had already made oath to the truth of this information "in the whole and every particular thereof" before sir Edmondbury Godfrey\*.

While Oates was reading this long and alarming narrative, the members of the council gazed in astonish-

\* True Narrative of the Horrid Plot and Conspiracy, &c. London, 1679. L. Journ. xiii. 313. State Trials, vi. 1434.

ment on each other. The facts, which it detailed, appeared so incredible, the means by which they had come to the knowledge of the informer were so devoid of probability, and the character which he gave of himself exhibited such traits of baseness and dishonesty, that his hearers were bewildered and amazed. The duke of York hesitated not to pronounce it a most impudent imposture: but others contended that no man in his senses would come forward with a tale so startling and portentous, unless he could support it by proof; that, although it were embellished with fiction, it might have a foundation in reality; and that it was the duty of the royal advisers, in a matter of such concernment, to sift out the truth from the falsehood, with which it had been mixed and confounded. Oates was asked to produce documentary evidence in confirmation of his testimony. He had been trusted with a multitude of treasonable letters at different times: his only object was to detect and defeat the conspiracy: undoubtedly then he must have secured some of these papers as evidence against the traitors. He confessed, however, that he stood there without a single document; but promised to produce evidence in abundance if he might be furnished with warrants and officers to arrest the persons, and seize the papers of the individuals whom he had accused. To this proposal the council gave its assent.

The next morning the inquiry was resumed in pre-Sept. sence of the king. To the objections urged against the 29. authenticity of the Windsor letters, Oates ingeniously replied, that such was the practice of the jesuits; they wrote in feigned hands, and with orthographical errors. Their accomplices were acquainted with the artifice, and it supplied the writers with a pretence of forgery, if the letters were intercepted or discovered. Charles desired that he might be told to describe Don Juan, to whom, according to his narrative, he had been introduced at Madrid; and Oates without hesitation replied, that he was a tall, spare, and swarthy man. The king

turned to his brother, and smiled ; for both knew from personal acquaintance that Don Juan was low of stature, and fair of complexion. " And where," said Charles, " did you see La Chaise pay down the 10,000*l*. ?" He replied with equal readiness, in the house of the jesuits close to the Louvre. " Man," exclaimed the monarch, provoked at his effrontery, " the jesuits have no house " within a mile of the Louvre \* !"

The credit of the informer was now gone, unless he could support it by the discoveries to be made from the papers which he had seized. Much was expected from those of Harcourt, the provincial of the jesuits. They consisted of a cipher, of an immense collection of letters, of books of account, and of the acts of the very congregation which Oates had denounced : but among them no trace of the plot could be discovered ; not so much as a passage to which the ingenuity of the lawyers could give the semblance of an allusion to the treason in question †. Fortunately for the informer, it was otherwise with the papers of Coleman, the son of a clergyman in Suffolk, who had embraced the catholic faith, and was appointed secretary to the duchess of York. The man was vain of his abilities, expensive in his habits, and solicitous to acquire the reputation of a person of consequence. To extricate himself from his pecuniary embarrassments, he sought to procure money from Louis XIV., in 1675, by offering his services in favour of the catholic religion to father la Chaise, the confessor of that monarch, and in 1667, by another offer to father St.

\* James (*Memoirs*), i 520. Macpher. i 87. " The king told me, that " he took it to be some artifice, and that he did not believe one word of " the whole story." Reresby, 67. Where the compiler of the *Memoirs* of James refers to the writings of that monarch, I shall, as I have done above, add the word (*Memoirs*), because such passages are of higher authority than the other parts of that work.

† *Florus Anglo-Bavaricus*, p 100 Two of the letters were, however, selected, and are to be found in the journals of the house of commons (Nov. 2). In one occurs the word " design," in the other " patents." It was explained, (and the explanation is confirmed by the context,) that the first referred to the design of holding the congregation, the other to the patents of appointment to offices in the order.



Germain to prevent a rupture between the two crowns, which he represented as a natural consequence of the marriage of the princess Mary. In both these attempts he failed: but he was more successful with the bankers, whose money had been shut up in the exchequer, from whom he drew 3,500*l.* under pretence of procuring for them some parliamentary security; with three successive ambassadors from France, whom he supplied at a stipulated price with daily information of the proceedings in parliament; and in particular during the last session with Barillon, from whom he procured 2,500*l.* for the purpose of strengthening the French interest in the two houses. Though James frequently reprimanded him for his busy intriguing disposition, he persisted in his course: his table was frequented by many of the Whig members while the parliament was sitting; and the "fanatics" at a distance received from him weekly "news-letters," reflecting so severely on the ambition of Louis, and the measures of the English government, that Charles ordered the duke to dismiss him from the service of the duchess. Luzancy had formerly accused him before the council: but he faced and silenced the informer; and it was perhaps this success which induced him also to despise the deposition of Oates. But on the seizure of his papers he asked the advice of the duke of York, who replied, that if he had written any thing illegal, or even suspicious, he had better conceal himself; otherwise his spontaneous appearance before the council would be taken as a proof of his innocence. He chose the latter, and became the first victim sacrificed to the perjuries of the informer and the prejudices of the nation\*.

The fact was that, among several loose papers in a neglected drawer, had been found copies of Coleman's foreign correspondence in the years 1675 and 1676.

\* For this account of Coleman, see James (*Memoirs*), i. 533. C. *ourn.* 1678, Oct. 31, Nov. 7. Dalrymple, ii. 199. 201. 314. Macpher i. 82. *Brief Hist.* i. 114. Burnet, ii. 94.

There was in it much to prove the restless and intriguing spirit of the man : but that which chiefly attracted the notice of the council was a proposal from him to la Chaise that Louis should furnish Coleman and his friends with the sum of 20,000*l.* to be employed by them for certain purposes equally conducive to the interest of France and of the catholic church. There was indeed no visible connexion between this proposal and the plot brought forward by Oates ; for the purposes specified in the letter were the restoration of the duke to his place of lord high admiral, and the establishment of liberty of conscience. But this was accompanied with expressions calculated to awaken suspicion. "Success," he maintained, "would give the greatest blow to the protestant religion that it had received since its birth." . . . . "They had a mighty work on their hands, no less than the conversion of three kingdoms, and by that perhaps the utter subduing of a pestilent heresy, which had so long domineered over great part of the northern world." To a cool and dispassionate inquirer, acquainted with the state of parties at the time, this language would have appeared a mere rhetorical flourish, employed by the intriguer to interest in favour of his project the zeal of the old priest whom he addressed : but jealousy had been provoked by the disclosures of Oates ; more, it was suspected, might lurk under the words than immediately struck the eye : the great work mentioned by Coleman might be the commencement of the conspiracy which had been denounced ; the two ends of the chain were already in sight, and it was possible that the discovery of more of the correspondence might supply the link by which they were connected. Under this impression Coleman was committed to prison, where he found for his companions in captivity most of the individuals named in the deposition of the informer\*.

It was obviously the interest of the king to bring the

inquiry to a speedy termination, that of his minister to protract it till the meeting of parliament: because, if it were then pending, it would infallibly be taken up by the country party. Charles foresaw that they would employ it as an additional weapon of offence against his brother, while Danby hoped to convert it into a shield of defence for himself against the impeachment with which he was threatened. At the beginning of October, when the king was accustomed to spend a fortnight at Newmarket, the dukes of York and Lauderdale conjured him to remain at Whitehall, and to prefer his duty to his pleasures: but the opposite advice of the lord treasurer was most palatable to the indolent monarch; and he de- Oct. parted with the court to Newmarket, leaving strict orders<sup>2</sup> with Danby to prosecute the investigation with the utmost expedition, orders which that minister was careful to disobey\*.

Hitherto nothing had transpired to connect the reformers with any party in the state: but subsequent events induced many to look upon them as mere puppets, whose motions were regulated by the invisible hand of some master artist. That artist was supposed to be the earl of Shaftesbury; of whom, whether he were or were not the real parent of the imposture, this at least is certain, that he took it under his protection from its birth, and nursed it with solicitude till it arrived at maturity. In conjunction with his political associates, he watched the progress of the alarm excited by the frequent meetings of the council, and the numerous arrests of the supposed conspirators; converted with consummate art every succeeding event into a confirmation of the plot, and gradually contrived, by inflaming the passions, to assume the

\* James (Memoirs,) i. 545, 6. Temple, ii. 478. "He fancied by the help of his pretended conspiracie, and crying out against popery, he should pass for a pillar of the church, and ward the blow which he foresaw was falling on his shoulders; but my lord Shaftesbury, who soon found out his drift, said, let the treasurer cry as loud as he pleases against popery, and think to put himself at the head of the plot, I will cry a note lower, and soone take his place; which he failed not to make good" James (Memoirs,) i. 546.

most extraordinary control over the judgment, of the people.

- It chanced that during the absence of the court, Godfrey, before whom Oates had made his affidavit, was missing from his family. From his father, who died by his own hands, Godfrey had inherited a melancholy temperament; and after the apprehension of his friend Coleman, was observed to labour under great depression of spirits. On the 12th of October, having settled his accounts, and burnt a large mass of papers, he left his home at an early hour, and was met in different parts of the town during the day, walking with a hurried pace, and apparently inattentive to all that was passing around him\*. That very evening it was rumoured that he had been murdered by the papists; and five days later his dead body was discovered among some stunted bushes in a dry ditch on Primrose-hill. It rested on the knees, breast, and left side of the face: a short sword had been thrust with such violence through the heart, that the point protruded a few inches beyond the back: his cane was fixed upright on the bank, his gloves lay near it on the grass, and his rings remained on his fingers, his money in his purse. The extraction of the sword was followed by a copious discharge of blood from the wound; and, when the body was undressed, a deep purple crease appeared round the neck†. In these circumstances the question to be determined was, whether Godfrey had fallen by his own hand, in which case the tightness of the collar would satisfactorily account for discoloration of the neck, or had been first strangled, and afterwards stabbed by the murderers, to induce a belief that he was the author of his own death. After an inquiry of two days before the coroner the latter opinion was adopted by the jury, but chiefly on the authority of two surgeons, whose testimony betrays their profound

\* See the affidavits in *Brief History*, iii. 176—183 299—310.

† *Ibid.* 97—99. 212. 226. 264—271. Compare these with *State Trials*, vii. 184.

ignorance of the phenomena consequent on sudden and violent death. Even at the time, the verdict was deemed so unsatisfactory, that other medical practitioners solicited permission to open the body: but to this the brothers of the deceased made the most determined opposition. They were aware that a return of *felo de se* would deprive them of the succession to his estate, and on that account had laboured during the whole investigation to impress a contrary persuasion on the minds of the jurors\*.

The result of the inquest imparted the stamp of authority to the reports previously in circulation. It was no longer safe to deny that Godfrey had been murdered, and murdered by the papists. He had indeed always shown himself their steadfast friend, and had recently given to the accused the first notice of their danger. But the absence of any sufficient motive for the crime was considered of little moment: and no man ventured to argue the question, when the least intimation of dissent was taken as a proof of conscious guilt. The body, instead of being speedily deposited in the grave, was carried in public procession to the former habitation of Oct. the deceased; the doors were thrown open during two 20. days; and the populace were invited to gaze on the mangled remains of the protestant martyr. The sight inflamed their passions, and prepared their minds to believe in the bloody designs attributed to the papists; individual murders, a general massacre, the burning of the city, and the blowing up of Whitehall were hourly expected; and the precautions employed by the magistrates, the multiplication of the guards, the frequent consultations at the Guildhall, served to nourish the excitement and delusion †.

It was at this moment, when the public phrenzy had 21. reached its height, that Charles met his parliament after the prorogation. The presence of his forces in Flanders

\* Brief History, 235—237 242—250, 257.

† Burnet, ii. 154.

had procured for Spain more favourable conditions, but had entailed at the same time an enormous expense on the English government. The supply so lately voted was exhausted ; the ordinary revenue of the next year had been already anticipated ; and it was become equally impracticable without additional pecuniary aid to disband the army or to keep it on foot. This was the chief subject which the king in his speech sought to impress on the attention of the two houses. To the plot he made only an incidental allusion, stating it to be his intention to leave the guilt or innocence of the accused to the investigation of the ordinary courts of law. Such, however, was not the plan either of the popular leaders, or of his own minister. Under their guidance both houses, forgetting the king's recommendation, listened with astonishment to the narratives of Oates and Tonge ; and, as if their own existence, that of the sovereign, and of the nation were at stake, they placed guards in the cellars under the house of parliament, extorted from Charles a proclamation that all catholics, not householders, should quit London, prevailed on him to remove a Scottish regiment to the distance of forty miles from the capital, petitioned for the dismissal of every papist from his domestic service, conjured him to be careful that his meals were prepared by none but orthodox cooks, and appointed committees to pursue the pretended conspiracy through all its secret and numerous ramifications \*. By these proceedings the inquiry was taken out of the hands of the government, and in a great measure transferred to those of Shaftesbury, and a committee appointed by the lords. Shaftesbury was always at his post, receiving informations, granting warrants for searches and arrests, examining and committing prisoners, and issuing instructions to the officers, informers, and jailors. But his zeal proved too industrious to escape suspicion. By many he was said to be actuated by a very questionable

\* I. Journ. 297 301. 303, 304, 305, 306, 307, 308, 309, 312. 331. 335 354.  
C Journ. Oct. 23, 24, 25, 26. 28. 30, Nov 1, 2.

motive, the desire, not of discovering the truth, but of establishing the credit, of the plot. The popular delirium had given to his party an ascendancy in the two houses, which they could not otherwise have acquired ; and, that he might keep this alive, and direct it in accordance with his own views, he cared little to what perjuries he might give occasion, or what blood he might cause to be shed.

Oates, at his examination before the commons, made Oct. a most important addition to his previous testimony. He 23. informed the house that Oliva, general of the jesuits, had, by authority from the pope, already appointed to all the great offices of state, and to the chief commands in the army, both in England and Ireland ; that many of the patents of appointment had been seen by him, or passed through his hands ; that the office of lord chancellor had been conferred on lord Arundell, of lord treasurer on the earl of Powis, of commander-in-chief on lord Belasyse, of lieutenant general on lord Petre, of lord privy seal on sir William Godolphin, of secretary of state on Coleman, of major-general on sir Francis Radcliffe, and of adjutant-general on Lambert, who had formerly distinguished himself in the service of the commonwealth. These constituted the new government for England. In Ireland the chancellorship was given to Peter Talbot, the chief command of the forces to Richard Talbot, the rank of lieutenant-general to the viscount Mountgarret, and the inferior offices were parcelled out among their friends and dependents. In this selection there was much to shake the confidence of those who possessed any knowledge of the parties, because several of the latter, from age, or infirmity, or character, were incapable of executing the different employments to which they had been appointed. But such objections weighed not with the commons. they sent for the lord chief justice, and instructed him to issue warrants for the apprehension of all the individuals named in the information. In other circumstances the lords would have interfered in defence of their privileges :

now every minor consideration was sacrificed to the safety of the state ; and the earl of Powis, the viscount Stafford, the lords Petre, Arundell, and Belasyse were committed to the Tower\*.

- Oct. 23. The first bill introduced in the house of commons was the favourite measure of the popular party, the test for the exclusion of all catholics, and consequently of the duke of York, both from parliament and from the presence of the sovereign. It proposed to enact, 1. that no person should presume to sit or vote in either house of parliament, or name a proxy to vote for him in the house of lords, unless he had previously, in presence of the house, taken the oaths of allegiance and supremacy, and subscribed the declaration that the worship of the church of Rome is idolatrous, under the penalty of a fine of 500*l.*, and of disability to sue in any court of law or equity, to receive any legacy or deed of gift, or to act in any manner as guardian, executor, or administrator; 2. that every unqualified peer and commoner and popish recusant, coming into the house or presence of the king, should be liable to the same penalty, unless in the next term he should take the same oaths, and subscribe the same declaration in the court of chancery. In former sessions this bill had repeatedly miscarried: but now, under the auspices of Titus Oates, it could not fail of success. Day after day that informer was called in to inflame the passions of the members by new disclosures; every speaker sought to give proof of his loyalty and orthodoxy by the display of hostility to the papists; and 28. the bill passed through the house without opposition, when opposition could lead only to the forfeiture of character, perhaps of liberty and life†.

\* L. Journ 299 308, 309 311, 327. C Journ. Oct. 23, 24, 25 28. The next day Oates accused the earl of Castlemaine, that having obtained a divorce from his wife on account of adultery with the king, he was now a jesuit in priest's orders, and had, in the hearing of Oates, wished success to the plot that he might gratify his revenge. Castlemaine was sent to the Tower, but acquitted on his trial. See his Manifesto, 7 10. 46.

† C. Journ Oct. 23 24, 25, 26, 28. It is remarkable that this bill omitted the obligation of receiving the sacrament in the established church,



The moment the test was transmitted to the lords, care was taken to add new fuel to the flame by the communication to the house of Coleman's letters. The offensive expressions and the objectionable aims of that busy intriguer were taken for those of the whole body to which he had joined himself; and his constant use of the duke's name provoked a general belief, that he had acted by the instructions, or at least with the connivance, of that prince. James, indeed, positively denied, and commissioned his friends to deny by his authority, all connection between him and Coleman; and Coleman himself at his examination faintly acquitted the duke: but the conduct of each was attributed to the necessity of his situation, and both houses voted a resolution that "there Oct.  
" had been and still was a damnable and hellish plot 31.  
" contrived and carried on by the popish recusants for  
" the assassinating and murdering the king, and for  
" subverting the government, and rooting out and de-  
" stroying the protestant religion \*."

To add to the impression made by the publication of this vote, it was accompanied with the funeral of the first supposed victim of the conspiracy. Godfrey perished on the 12th of October: on the 31st his corpse was borne in procession to the grave. As it passed from Bridewell to St. Martin's-in-the-fields, it was preceded by seventy-two clergymen in their gowns, and followed by more than a thousand gentlemen in mourning, many of them members of parliament. In the pulpit appeared Dr. Lloyd, the rector of the parish, between two men of powerful limbs and determined aspect, habited as clergymen, and stationed for his protection against the designs of the papists. He took for his text the passage, "As a  
" man falleth before the wicked, so fellest thou;"--and undertook to prove that Godfrey had been the victim of

which was required as a qualification for taking office. The reason is evident. It would have removed the dissenters from parliament, and without the aid of the dissenters the country party had no prospect of accomplishing their purpose.

\* C. Journ. Oct. 28, 30, 31. L. Journ. xiii. 333. Recesby, 67.

his attachment to protestantism, and must have been murdered on that account by its enemies. From this mournful but exciting spectacle the crowd returned to their homes, breathing vengeance against the assassins, and extolling Oates as "the saviour of his country;" his fictions, absurd and incredible as they must appear to the thinking reader, were received without hesitation; and men of every class suffered themselves to be agitated with the apprehension of dangers, the more alarming to the imagination, because they were wrapt in mystery, and expected from unknown and invisible foes\*.

Neither was the panic thus created local or momentary. The measures adopted by the government, in consequence of the addresses of parliament, served to give to it both diffusion and duration. In a short time the prisons in the metropolis contained two thousand suspected traitors; the houses of the catholics (even that of the earl marshal could not obtain exemption) had been searched for arms; and all papists who refused the oaths of allegiance and supremacy, amounting almost to thirty thousand individuals, were compelled to withdraw ten miles from Whitehall. For the security of the capital, posts were fixed in the streets, that chains might be thrown across on the first alarm; the military, the trained bands, the volunteers, to the number of forty or fifty thousand, were occasionally kept all night under arms; strong detachments occupied the most eligible posts; numerous patrols paraded the streets; the guards were doubled at the palace; batteries of field-pieces were planted for its protection; and the great gates were kept constantly closed, so that admission could be obtained only through the wicket. From the metropolis the alarm spread into the remotest parts of the country: the order for disarming the catholics was universally enforced; lists, containing their names, ages, and occupations, were delivered by the officers of each

\* Echard, 950. North, 204. Reresby, 67, 68.

parish to the magistrates, and all were compelled either to take the oaths, or to give security for their good behaviour. Precautions so general and extraordinary were sufficient to conjure up terror in every breast: Charles alone preserved his tranquillity in the midst of excitement: he hesitated not to declare in every company his disbelief of the plot, and to lament that his subjects should suffer themselves to be made the dupes of a bold and brazened impostor\*.

Encouraged by the state of the public mind, the popular leaders determined to throw off the mask, and to commence a direct attack on the duke of York. An Nov. address to exclude him from the presence and the coun- 2. cils of the sovereign was moved by lord Shaftesbury in the house of lords, by lord Russell in the house of commons. It was not that they charged him with any partici- 4. pation in the plot: from that ground they had already been driven by Oates, who had declared at the bar of the house of lords that he believed the duke to be entirely ignorant of the design; and, when he was ordered to denounce every individual cognizant of the conspiracy, whatever the rank or station of that individual might be, had replied upon oath "That he could name "no other person than those whom he had named "already†." The charge of treason was therefore abandoned; but they relied on the prejudice excited against him by the publication of the letters of Coleman, and contended that his presence at court encouraged the papists to persevere, and proved an obstacle to the adoption of those measures which were requisite for the security of the protestant worship. Charles openly expressed his indignation at this motion, and ordered his friends to oppose it with all their influence. In the house of lords their efforts were successful; in the com-

\* See "Les Conspurations d'Angleterre, à Cologne, 1680," p. 338, *et seq.* The account in that work is written by a foreigner, who resided in London, and appears to have kept a diary. Also Florus Anglo-Bavaricus, 115. 118; and Reresby, 67. 72.

† L. Journ. 309. 311 389.

mons the debate was adjourned, resumed, and again adjourned. But the pertinacity of the party subdued the resolution of the monarch; he sought to escape from the contest; he advised his brother to submit to a compromise, and to withdraw from the council while he remained at court: such a concession would mollify his enemies, and aid his friends in the support of his undoubted rights. It cost James a violent struggle before he would yield; but he deemed it a duty to obey the will of the sovereign, and announced from his seat in the house of lords that he was no longer a member of the council. Charles then called the two houses before  
 Nov. 9. him, and assured them that he was as ready as their hearts could desire to establish the security of the protestant religion, and to assent to any reasonable laws for that purpose, provided that they did not trench on the rightful descent of the crown, nor on his own authority, nor on the just rights of his protestant successors. This speech was received with expressions of gratitude; and lord Russell immediately withdrew his motion. One part of it, the removal of the duke from the council, had been obtained; the other part, his removal from the court, was included in the bill against popish recusants now pending in the house of lords \*

That bill, however, made but little progress. The lords in general looked with jealousy on a measure which invaded the constitutional rights of the peerage †, and would create a precedent which, on subsequent occasions, might be employed against other than catholic  
 7. peers. To stimulate their indolence the commons, by  
 11. repeated messages, reminded them that on the adoption of the bill depended the safety of the king and kingdom, and of the protestant religion; and Charles, weary of contending with clamour and intimidation, consented to sacrifice the rights of the other lords, provided those of

\* C. Journ. Nov. 9. James (Memoirs), i. 524. Reresby, 70. Burnet, ii. 157. Parl. Hist. iv. 1026.

† See the standing order in the Lords' Journals, xii. 673.

his brother were maintained. To the surprise of all Nov. men, on the third reading, when the rejection of the bill <sup>20.</sup> was generally anticipated, it passed without opposition, but with a proviso that its operation should not extend to his royal highness the duke of York. James, however, immediately entered his protest against it; and was followed by the earls of Berkshire and Cardigan, and the lords Audley, Stourton, Hunsdon, and Teynham\*.

To the popular leaders the exclusion of the catholic peers was a matter of minor interest: their paramount object, the exclusion of the duke of York, had been defeated by the proviso. They resolved, as a last resource, to throw it out in the house of commons, and to mark their sense of the conduct of the lords by the manner of the rejection. Sixteen members rose in succession to speak in support of the amendment, before they could provoke an answer from the benches of their opponents. Waller was the first to move its rejection: he was followed on the same side by Meres and Capel, and answered by sir Robert Howard. The debate grew warm: high words, and even blows, were exchanged by Ashe and Trelawney; and when sir William Coventry, deserting his party, contended that the duke was entitled to the indulgence, for his eminent services to the nation, he was put down with cries of "Coleman's letters: remember Coleman's letters!" Lord Cavendish closed the discussion. What were the reasons which recommended the proviso to the adoption of the lords, he knew not; but till he both knew them and approved of them, he would never be a party to an enactment which should declare by authority of parliament that the king's brother was a papist. The question was then

\* L. Journ. XII. 365. C. Journ. Nov 11 16 Reresby, 71. Monmouth, to escape the necessity of voting in favour of his uncle, left the house before the division, which gave James a fair opportunity of complaining to the king of his son's conduct, and of observing that he was not only intimately connected with the leaders of the opposition, but suffered his flatterers to drink to him by the title of prince of Wales. James (Memoirs), i. 526

Nov. 30. put, and, to the deep and bitter disappointment of the party, the proviso was carried by a majority of two voices. Charles gave his assent to the bill, but at the same time remarked that he did it with reluctance, and merely through deference to those who were alarmed at the extraordinary excitement of the people\*.

By this statute, which owed its enactment to the perjuries of an impostor, and the delusion of the nation, the catholic peers found themselves, without any fault of theirs, deprived of the most valuable privilege of the peerage, the right which they derived from their birth, of sitting and voting in the higher house of parliament. Nor were they the only victims: the unjust proscription attached to their descendants during a long lapse of one hundred and fifty years. It was reserved for a prince of the House of Brunswick, the fourth who swayed the sceptre of these realms, and an enlightened and liberal parliament, to erase the foul blot from the statute-book, and by an act of tardy but praiseworthy justice to restore the sufferers to the exercise of their ancient and hereditary rights†.

There was one circumstance, which greatly embarrassed the patrons of the plot. Its credit still depended on the sole unsupported testimony of Oates. Though the prisoners had been successively interrogated at the

\* C Journ Nov. 21. L. Journ. xiii 394 Parl. Hist iv. 1039, 1045. Soon afterwards the lords made an order that John Hudleston, Charles Giffard, Francis Yates and his wife, the five brothers of the name of Penderell, Mr Whitgrave of Moseley, colonel Carlos, and Francis Reynold of Carleton, in Bedfordshire, who had been instrumental in the preservation of the king after the battle of Worcester, should live as freely as any of his majesty's protestant subjects without being liable to the penalties against popish recusants, and that a bill be prepared for that purpose. L. Journ 408.

† The peers, whom this act deprived of their seats in the house, were the duke of Norfolk, the earls of Shrewsbury, Berkshire, Portland, Cardigan, and Powis, the viscounts Montague and Stafford, the lords Mowbray, Audley, Stourton, Petre, Arundell, Hunsdon, Belasyse, Langdale, Teynham, Carrington, Widdington, Gerard of Bromley, and Clifford. We are told that three preferred their seats to their religion (Heresby, 73). Of these the marquess of Worcester was one: the other two, as far as I can ascertain, did not take the oaths till the next session, in 1679, viz., the lord Mowbray, son to the duke of Norfolk, and the earl of Berkshire, on his coming to the title after the death of his brother.

bar, or before the committee of the house of lords, all had uniformly protested their innocence: the offer of pardon and reward had been made in vain; each persisted in declaring his ignorance not only of the facts and designs charged on himself, but also of those charged upon the others. Thus eleven weeks passed away, and no prosecution was instituted, because, to establish the guilt of the accused, the law required the concurrent testimony of two witnesses. At last the difficulty was surmounted. The king by proclamation had promised to the discoverer of the assassins of sir Edmond Godfrey reward, protection, and a full pardon, even if he were an accomplice; and in a few days the secretary of state received an enigmatical letter, dated from the town of Newbury, containing the singular request that the writer, William Bedloe, might be taken into custody in the city of Bristol, and be brought back a prisoner to the metropolis. By order of the council a warrant for his apprehension was sent to Bedloe himself, with directions to deliver it to the mayor of Bristol, when and in what manner he might think fit: the arrest accordingly took place in the open street, and in the presence of a numerous crowd; and a report was circulated both there and in London that the prisoner had it in his power to develop the whole mystery in which the death of Godfrey was still involved \*.

The character of Bedloe was not less open to objection than that of Oates. He had originally been employed in the stables, and afterwards in the household of lord Belasyse. Subsequently he travelled on the continent as a courier in the service of different gentlemen; in which capacity he became acquainted with the names and residences of many persons of distinction, and availed himself of that knowledge to raise money by artifice and fraud. His swindling transactions had repeatedly been visited with imprisonment and various

\* See the official papers in *Brief History*, lii 67.

- punishments in different countries : judgment of death had been passed on him for a robbery in Normandy ; and he had just obtained his discharge from confinement in Newgate, when the proclamation induced him
- Nov. 7. to offer himself a candidate for the reward of 500*l*. \* In his first deposition, taken before the king and the two secretaries of state, he declared upon oath that he knew nothing of the plot, but had seen the dead body of Godfrey at Somerset-house ; that, according to his informant, the jesuit Le Fevre, Godfrey was stifled between two pillows by Le Fevre himself, with the aid of Walsh, another jesuit, of lord Belasyse's gentleman, and of a waiter in the queen's chapel ; that he had been offered two thousand guineas to help in removing the corpse, and that it was at last carried away on Monday night at nine of the clock, by three persons unknown to him,
8. but retainers at Somerset-house. The next morning he related the same in substance before the house of lords. To a question respecting Oates, he answered by denying all knowledge of that informer : but added, contrary to his testimony of the day before, that he had been told by Walsh and Le Fevre of the commissions received by the earl of Powis and lord Belasyse, and of authority to appoint other officers given to lord Arundell. This provoked the king to exclaim : " Surely the man has received " a new lesson during the last twenty-four hours ! † "
12. The memory of the informer continued to improve. In another deposition, made also upon oath, he recollected that in the beginning of October he had been solicited to commit a murder for a reward of 4000*l*. ; that Godfrey was inveigled into the court of Somerset-house about five in the evening ; that he was not stifled with pillows (that story contradicted the finding of the coroner's inquest), but strangled with a linen cravat ; that the body was deposited in a room which Bedloe

\* Burnet, ii. 158. Echard, 951. Florus Anglo-Bavaricus, 127.

† Burnet, ii. 157. L. Journ. xii. 343.



pointed out to the duke of Monmouth; that he saw standing round it the four murderers and Atkins, clerk to Mr. Pepys, of the Admiralty; and that it was removed about eleven of the clock on the Monday night\*. In two parts of this deposition he was unfortunate: he had selected for the time of the murder the very hour when Charles was at Somerset-house on a visit to the queen; an hour when such a transaction must have been instantly discovered, because a company of foot-guards had been drawn out, and a sentinel stationed at every door; and he had pointed out as the place of concealment of the body the room which was appropriated to the use of the queen's footmen, who were there in waiting at every hour of the day†.

But his succeeding reminiscences were of much greater importance. At first he knew nothing of the plot: now he remembered that during his travels he had become acquainted with English monks, friars, jesuits, clergymen, and nuns, all of whom were anxious to acquaint him with the particulars of the great design for the re-establishment of catholicity in England. From them he learned that at first it was proposed to confine the king in a monastery, but afterwards to kill him; that another person, unless he would consent to hold the crown of the pope, would be also set aside, and the government be administered by commission, with the lord Arundell at its head; that the duke of Norfolk, the marquess of Worcester, and the earl of Shrewsbury, were too loyal to be trusted with any knowledge of the plot: that ten thousand men were to land at Bridlington, in Yorkshire, and put themselves under the command of lord Belasyse; that an army of twenty or thirty thousand friars and pilgrims was to sail from Corunna to Milford-haven, and to join the catholics of Wales

\* L. Journ 348. 350.

† James (Memours). i. 527. "The king told me," says Reresby, "that Bedloe was a rogue, and he was satisfied that he had given some false evidence concerning the death of sir Edmondbury Godfrey." Reresby, 72.

under the earl of Powis and lord Petre; that the king, the dukes of Monmouth, Ormond, and Buckingham, the earl of Shaftesbury, and the lord Ossory, were to be murdered by persons whose names he stated, the military in London by assassins stationed at the door of every alchouse, and the citizens by a force of forty thousand men secretly organized, and consisting of papists or protestants in the pay of the papists; that all who refused to conform to the catholic worship were to be "utterly extinguished;" and that there was not a catholic in England, of quality or credit, who had not received information of the plot, and been sworn on the sacrament to lend to it his aid, and to keep it secret\*.

It will excite surprise that in the three kingdoms there could be found an individual so simple or so prejudiced as to give credit to this marvellous tale of bloodshed and treason. But in times of general panic nothing is too absurd for the credulity of the public. The deposition of Bedloe was hailed as a confirmation of that of Oates; it served to fan the flame, to add to the national delirium; new addresses were made to the king, and new proclamations and arrests followed. Yet the champions of the plot, those who sought to bring home to the accused the charges against them, saw with uneasiness that there was nothing in these additional informations to constitute Bedloe a second witness in conjunction with Oates. The reader, however, will soon discover how the

\* L. Journ. 351. 353. At this time Luzancy appeared again upon the stage; but his residence for the last three years at Oxford disabled him, however he had been disposed, from acting an important part among the informers. He had already expelled from England St. Germain, almoner to the duchess of York; he now expelled La Colombière, successor to St. Germain. Having composed a memorial for Du Vicquier, a Frenchman, he introduced him first to the bishop of London, and then to the lord chancellor. La Colombière was immediately arrested, and committed on the 16th of November. The former accused him at the bar of the house of lords of having said that the king was a catholic at heart, and that the power of the parliament would not last for ever; of having perverted protestants, and sent missionaries to Virginia. The lords noted that these were matters of dangerous consequence, and on the 21st addressed the king to send Colombière out of the kingdom. Four weeks later the zeal of Luzancy was rewarded with the vicarage of Dover-court. L. Journ. xiii. 367, 368. *Conspirations d'Angleterre, 1680*, pp. 360, 370.

difficulty was removed by the effrontery of the new informer, who on the trials of the prisoners found it convenient to forget much of his previous testimony, and to substitute other particulars, which, though entirely new harmonized better with the fictions of his brother impostor.

These discoveries by Bedloe had served to occupy the public attention during the debates on the bill for the exclusion of Catholics from parliament: the moment the duke of York was excepted by the clause in his favour, a new and most extraordinary intrigue was set on foot. The reader will recollect that Shaftesbury, in his zeal to prevent the succession of that prince, had ventured to propose to the king a divorce for the purpose of having issue by another wife; and now with the same view a Mrs. Lloyd, at the suggestion of Dr. Tonge, waited on Charles and solicited a private audience for Titus Oates, who wished to confide to his majesty some Nov. 23. secret and important information tending to criminate the queen. He heard her with tokens of incredulity and impatience; and, when she hinted the possibility of a divorce, sternly replied that he would never suffer an innocent woman to be oppressed\*.

Oates, however, was admitted to tell his tale to the king, then made his deposition on oath before secretary 24. Coventry, and afterwards was twice examined by the 25. privy council. He stated that in July he saw a letter in which it was affirmed by Wakeman that the queen had been brought to give her assent to the murder of the king; and that one day in August he accompanied several jesuits to Somerset-house, and was left in the antechamber, when they were admitted to the queen. The door stood ajar; he had the curiosity to listen, and heard a female voice exclaim, "I will no longer suffer "such indignities to my bed! I am content to join in

\* L. Journ. xiii. 389. James (Memoirs), i. 529. "He said to me" (Dr. Burnet) "that considering his faultiness towards her in other things, "he thought it a horrid thing to abandon her." Burnet, ii. 169.

“procuring his death, and the propagation of the catholic faith:” soon afterwards the jesuits retired; he looked into the room, and saw no other woman than the queen. There was much to throw discredit on this story. Oates had never given any intimation of it before; he had not mentioned the traitorous letter, when he made the charge against Wakeman; and he had solemnly declared upon oath that he knew of no other persons implicated in the crime besides those whom he had already named. Charles ordered the earls of Ossory and Bridgewater to conduct the informer to Somerset-house, and oblige him to point out the room and antechamber which he had described. He was led into every part, he repeatedly visited every chamber, and was at length compelled to acknowledge his inability to discover the place. The king, convinced that the story had been suggested to him by some enemy of the duke, ordered the guards who had been assigned for his security to keep always in his company, and to allow no person to see him, or to speak with him in private\*.

Nov.  
26.

Bedloe followed, as a second witness, to support the testimony of Oates. He too, if we may believe him, had been at Somerset-house; he had witnessed a conference between Catherine and two French clergymen, in the presence of lord Belasyse, Coleman, and some jesuits; and was subsequently told by Coleman that at the first proposal of the king's murder the queen burst into tears, but that her objections had been removed by the Frenchmen, and that she had reluctantly signified her consent. Bedloe, however, was more cautious than Oates. His former difficulty in finding the chamber, in which he had seen the body of Godfrey, proved to him a useful lesson; and he assigned for the scene of this consultation a place in which he could not be liable to error, the gallery of the chapel, while he, as he pretended, remained on the floor below. But why had he hitherto concealed

\* L. Journ. 388. 391. James (Memoirs), i. 529. Clar. Corres. i. 52, 56.

this important evidence? To the question he replied, that it had escaped his memory. If he recollected it now, it was owing to the impudent denial of Coleman, that he had ever been in the company of Bedloe\*.

But, whatever might be the conviction of the king, it was not the intention of the party to lose the benefit of this additional testimony. Bedloe, having previously obtained a pardon for all offences committed up to that Nov. 28. hour, delivered his deposition in writing to the house of commons; and then Oates, appearing at the bar, raised his voice and exclaimed, "I, Titus Oates, accuse Catherine, queen of England, of high treason." The members, not in the secret, were struck dumb with astonishment; an address was hastily voted for the removal of the queen and her household from Whitehall; and a message was sent to the house of lords to solicit their immediate concurrence. They, however, previously required to be put in possession of the depositions made before the council; then severely examined the two witnesses in person, and, dissatisfied with their answers, resolved to refuse their concurrence, and appointed a committee to state the reasons of their refusal. 29. Shaftesbury with two others protested against this vote: but the majority of the party deemed it prudent to acquiesce; a dissension between the houses might break all their measures, and, by bringing into question the credit of the witnesses, overturn the whole fabric of the plot. The charge against the queen was therefore buried in silence: but an address for the apprehension of all papists within the realm was voted, and impeachments of high treason against the five catholic peers in the Tower were carried to the house of lords†.

I shall not detain the reader with a narrative of the

\* L. Journ. 391, 392

† C. Journ. Nov. 28, 29, Dec. 5. L. Journ. 392, 403. The commons also addressed the king to restore Oates to his former freedom. He gave orders that any member or clerk of either house might have unrestrained access to him, but not all persons without exception. They remonstrated, and he yielded. C. Journ. Dec. 6, 7.

partial trials, and judicial murders of the unfortunate men, whose names had been inserted by Oates in his pretended discoveries. So violent was the excitement, so general the delusion created by the perjuries of the informer, that the voice of reason and the claims of justice were equally disregarded: both judge and jury seemed to have no other object than to inflict vengeance on the supposed traitors: to speak in support of their innocence, or to question the veracity of the accusers, or to hint the improbability of the informations, required a strength of mind, a recklessness of consequences, which falls to the lot of few individuals; even the king himself, convinced as he was of the imposture, and contemptuously as he spoke of it in private, dared not exercise his prerogative of mercy to save the lives of the innocent. These unfortunate men were put on their trials under every disadvantage. 1. They possessed not the means of rebutting the charges against them. Kept in solitary confinement, debarred from all communication with their friends, without legal advisers, and with no other knowledge than what they could collect from their previous examination, they received notice of trial on the evening, and were placed at the bar the next morning. 2. The point on which the imposture hinged was the traitorous consult supposed to have been held at the White Horse tavern on the 25th of April, at which Oates deposed that he was present. Now, to prove that no such consult was held, they could not appeal to the testimony of the landlord, who was dead, nor of his widow or former servants still living; for, though the house of lords ordered the inquiry to be made, not one of these individuals could then be found\*; neither dared they show that the real consult took place on that day at St. James's, because that would have been to expose the duke of York to the capital punishment enacted against the harbourers of priests and jesuits. 3. They were condemned before their trial by the prepossessions

\* L Journ. xiii. 335.

of the court, the jury, and the spectators. The chief justice, Scroggs, a lawyer of profligate habits and inferior acquirements, acted the part of prosecutor rather than of judge. To the informers he behaved with kindness, even with deference, suggesting to them explanations, excusing their contradictions, and repelling the imputations on their characters; but the prisoners were repeatedly interrupted and insulted; their witnesses were brow-beaten from the bench, and ill-treated by the spectators; and their condemnation was generally hailed with acclamations which the court rather encouraged than repressed\*.

These trials were introduced with the prosecution of Stayley, the catholic banker, at the instance of Carstairs, a Scottish adventurer. Stayley was sitting in a tavern, and conversing in French on the topics of the day with Firmin, a native of Marseilles, when Carstairs entered with a companion, and pretended to listen to their discourse. The next morning he waited on Stayley, and accused him of treason, but offered to suppress the charge in consideration of the sum of 200*l*. The banker laughed at the insolence of the man: but in a few minutes he was arrested, and at the end of five days tried for his life. Burnet, when he heard the name of the informer, hastened to assure the lord chancellor that Carstairs was a man of infamous character and unworthy of credit even on his oath: but Jones, the attorney-general, being present, asked Burnet who had authorized him to defame the king's witness, and the timid divine shrunk from the frown of the barrister, and left the unfortunate man to his fate. The conversation in the tavern turned on the catholics, who had been charged with the design of murdering the king, and the question in dispute at the trial between the informer and the accused was, whether Stayley had said that he was ready to kill *him* or *them*, whether he used the French article *le* or *les*. It is plain that Firmin might have

\* See in particular the evidence of Fallas, State Trials, x 1275.

decided the controversy; but care had been taken to confine him in close custody, from which he was not  
 Nov. discharged till four months after the trial. The jury  
 20. believed the informer, and Stayley suffered death at Tyburn\*.

2. The first victim sacrificed to the perjury of Oates and his coadjutor Bedloe was Coleman. In consequence of an address from the house of commons Charles had promised that, if Coleman would make a satisfactory confession, he should have a full pardon; if he did not,  
 4 the law should have its course. With this information  
 7 the committee visited him in Newgate. He gave them the cipher to his correspondence, and explained to them his pecuniary transactions, but strongly denied that he  
 27 possessed any knowledge of the alleged plot†. At his trial he maintained that his object in his letters (that they were imprudent and unwarrantable he did not deny) was to procure money and the toleration of the catholic worship; that he had never seen either of his accusers before his apprehension; and that both had perjured themselves in their testimony, Bedloe by swearing that he had taken a letter from Coleman to La Chaise in April, 1675, whereas it was plain from the documents on the table that there had been no correspondence between them before September in that year; and Oates by deposing to numerous transactions with

\* State Trials, vi 1591. Burnet, ii 160. *Conspirations d'Angleterre*, 378.

† C Journ Nov 2 4 7. According to the report of the committee, Coleman said that he had received 2,500*l* from Barillon, "to distribute to members of the house of commons, to prevent a rupture between the two crowns," but "had applied the money to his own use," "because he thought he was as much out of purse upon the French account in his way of living: though he told Barillon that he had given to some members according to his promise." Journ. p 534. I suspect some inaccuracy in this statement. After Coleman's death his widow presented through Barillon a petition to Louis, stating that 65,000 livres, or 5,000*l*, had been promised to her husband for his services in preventing the declaration of war, that only one half, 2 500*l*, had been paid to him, and that Barillon objected to pay to her the remaining half without an express order from the king Dalrymple, 201. On what ground could she claim the money, if her husband were only an agent to distribute it to others?



him, though in presence of the council the informer was unacquainted with his person, and appeared to be ignorant of these very transactions. Bedloe probably made no answer: Oates replied with some embarrassment, that his eyes were at the time so dazzled by the lights on the table that he could not see distinctly, and his mind so overpowered by fatigue, that he was incapable of recollection. Coleman was found guilty, and perished Dec. on the scaffold, protesting his innocence with his last 3  
breath †

Whitbread, Fenwick, Ireland, Grove, and Pickering, 17.  
were soon afterwards brought to the bar. The evidence of Oates was positive against the whole five; that of Bedloe, by some unaccountable mischance, affected only the three last. In these circumstances Whitbread and Fenwick were by law entitled to an acquittal; but the chief justice ordered them to be removed, and called on Ireland, Grove, and Pickering to proceed with their defence. The jury returned a verdict of guilty, and the 1679.  
three unfortunate men died like Coleman, asserting on Jan.  
the scaffold, as they had asserted at the bar, that before 21.  
their apprehension they had never heard, never so much  
as thought, of the treason for which they suffered †.

In these prosecutions Bedloe acted only a secondary 1678.  
part as the auxiliary of Oates: with respect to the death of Godfrey he claimed the merit and reward of an original informer, but was compelled to spend two months in search of a second witness to confirm his sole and unsupported testimony. The deficiency was sup- Dec.  
plied by the apprehension on some trifling charge of 21.  
Prance, a silversmith, who had occasionally been employed by the queen. Bedloe, the moment he saw Prance, exclaimed "that man is one of the murderers;" and the unfortunate silversmith was hurried to Newgate, where, under the influence of threats and promises, 23  
he was induced to confess himself guilty, and to accuse 24

\* State Trials, vii. 1. 78. Flotus Anglo-Bavariens, 135.

† State Trials, viii. 79. 143.

as accomplices, Hill, Green, and Berry, three servants at Somerset-house \*. But his mind was not hardened against the sting of remorse: he requested to be brought a second time before the king and the council, and on Dec. his knees, with the strongest protestations of horror and 29. repentance, declared that the whole of his confession was false, and that he knew nothing of the murder or the murderers. The managers attributed this retraction to the arts of the jesuits. Prance was remanded to Newgate and chained to the floor in the condemned cell: his terrors and his sufferings bereaved him occasionally of his reason; and Dr Lloyd, lately made dean of Bangor, and Boyce, the keeper, urged him to confess, the 1679 one employing spiritual, the other worldly motives. At Jan. last he consented: but his disclosures were now so numer- 11. ous and portentous, that the credulity of the dean was startled; he declined any further interference †, and left the unhappy man to the management of Boyce, with whose assistance a narrative was composed, professing to detail "the manner and circumstances of the murder, "the conspiracy to assassinate the earl of Shaftesbury, Feb. "and the vile practices of several popish priests‡." The 10. prisoners Hill, Green, and Berry, were now brought to trial: ignorant and unassisted, they were unable to detect and expose the glaring inconsistencies between

\* Like Oates and Bedloe, he had the folly to mention a room in Somerset-house where the body lay, and being sent there, like them was unable to find it. *L. Journ.* 434

† See *L. Journ.* xiii 431 436 438 James (Memoir), i. 535 Extracts from the journal of the committee, and the letters of Prance and Lloyd in *Brief Hist.* iii 64—86 "From the time of taking off my irons and changing my lodging, which was upon my yielding basely to forswear myself against those innocent persons who dy'd on my wicked evidence, Mr. Boyce was the man that acted for me, and writ many things which I copy'd after him. I found by his discourse that he had been several times with my lord Shaftesbury and with Bedloe, and he told me that I should be certainly hang'd, if I agreed not with Bedloe's evidence" p. 127 It is plain that little or no chance can be placed on the words of Prance: yet, as Dr Lloyd observes, "he was best able to relate his own fictitious concerning the murder in which his word may be of some credit, but of none in any thing else." p. 85

‡ "A True Narrative and Discovery, by Mr Miles Prance, of Covent-garden, Goldsmith." 1679.

the depositions of the two informers; and all three received judgment of death. Hill and Green, who were catholics, having resisted every attempt to draw from them an acknowledgment of guilt, suffered at Tyburn: Feb to Berry, a protestant, the respite of a week was granted: 21. but he, like his companions, disappointed the hopes of 27. the committee, and died like them with asseverations of 1678 innocence in his mouth\*.

But from these scenes of horror it is time to divert the reader's attention to a new intrigue of a very different description, which led in its consequences to the dissolution both of the ministry and the parliament. It will be remembered that on the 25th of March the lord treasurer, in opposition to his own judgment, wrote by order of Charles a letter to Montague, the ambassador at Paris, commissioning him in certain circumstances to demand from Louis a pension of 6,000,000 of livres in return for the king's services in disposing the allies to consent to the conditions of peace. The demand was never made—not because it shocked the patriotism of Montague, for it had been suggested and recommended by him †—but June because the terms proposed were rejected by the French 24. cabinet. What secret overtures were afterwards made to the ambassador by Louis, we know not: but he felt or pretended to feel as an injury the king's refusal of

\* State Trials, vii. 159—230. Ralph has printed the depositions of Bedloe and Pounce in parallel columns, that the reader may see at one glance how they contradict each other in almost every circumstance of time, place, and thing, i. 419. Perhaps I should mention that great endeavours were made to implicate in the plot Pepys, secretary of the admiralty to the duke of York, and that with that view Atkins, his clerk, was charged and tried as an accomplice in the murder of Godfrey. Bedloe, before the lords, swore that one of the accomplices, "who called himself "Atkins, was in all things very like the prisoner, but because he never "saw him before that time, he could not positively swear it, but he verily "believed him to be the man" i. Journ. 351. Before the trial, however, it was known that Atkins that very evening was drinking till he was intoxicated, on board one of the king's ships in the river; and Bedloe then swore that the accomplice "was not such a man as the prisoner. He had "a more manly face and beard." State Trials, vi. 1473—1492, vii. 242. Atkins of course was acquitted.

† His letters are published among those of Danby, i. P. 20, 21. 26. 36. 38. 43. 60. 62. 82.

- his request to purchase the office of secretary from sir Henry Coventry, and suddenly abandoning his situation in Paris, he returned without permission or notice to England. Danby, apprehensive of his enmity, watched
- Aug. his steps with solicitude: it was discovered that he not only associated with the popular leaders, but held secret
- Oct. and nightly conferences with Barillon; and his attempts
21. to procure a seat in the house of commons convinced the minister that, if Montague delayed to strike the blow which he meditated, it was only till he could shelter himself from the royal resentment under the privileges of parliament. At the election for Grinstead he was defeated by the foresight of Danby: at that for North-
- Nov. ampton he was returned by the Mayor; his absent
6. opponent sir William Temple by the sheriff: but Montague petitioned, the popular party espoused his cause,
11. and the house pronounced him duly elected\*.

Montague's real object was the ruin of the lord treasurer. With the popular leaders it had been arranged that *he* should bring forward the secret despatch of March 23th: and that *they* should ground on it a vote of impeachment against Danby. With Barillon he had concluded a contract, that 100,000 livres should be spent by the ambassador in purchasing the aid of the most powerful speakers in parliament, and 100,000 crowns should be paid to Montague himself, if through his exertions Danby were removed from office within the course of six months†. Still he delayed. His timidity was not satisfied with the protection afforded by a seat in parliament, and he waited for the time when the disbandment of the army should render the king less able to violate the privileges of the members. But Danby had already received a hint of his danger: he knew that

\* Ibid 78, 83 88 115, 116 C Journ Oct 21, Nov 6 11 23.

† See Barillon's despatch in Dalrymple, 193. If Louis objected to the 100,000 crowns, he was willing to accept a capital producing 40,000 livres of rentes on the Hôtel de Ville, or a pension of 50,000 for life, at the option of the king. Ibid.

his despatches had been secretly shown to some of his opponents, and it became to him a matter of the first importance to gain possession of the obnoxious papers. With this view he laid before the council the information given by sir William Temple that Montague had privately visited the papal nuncio at Paris, and might therefore be in some manner or other implicated in the popish plot \* : it was immediately resolved to pursue the inquiry : messengers were despatched to make the seizure of his papers ; and Erneley, chancellor of the exchequer, delivered a royal message, announcing this proceeding, and the information on which it was grounded, to the house of commons. Dec. 19.

The matter had been conducted with so much secrecy that Montague and his friends were taken by surprise. The ingenuity of Powle (he afterwards received five hundred guineas from Barillon as a reward for his services †) relieved them for a while from their embarrassment. The seizure he maintained was a breach of privilege, unless the information had been taken upon oath, and, at his suggestion, lord Cavendish with other members waited on the king, to ascertain the fact as to that particular circumstance. To their mortification Charles drily replied, that he would return an answer after the two houses were risen.

In the next place Harbord, another of Barillon's pensioners, was deputed to visit Montague's house, with private instructions from that member. Having ascertained that the letters, the only real objects of anxiety to both parties, had hitherto escaped the search of the officers, he returned ; Montague immediately announced that he had in his keeping papers containing indubitable proofs of the guilty projects of a certain great minister ;

\* Danby's Letters, 265-267. Dalrymple, 198.

† Barillon appears to have made out in December of each year an account of the money which he disbursed for political purposes. The account for the present year up to December has not been discovered : that for the year 1679 will be afterwards noticed.

lord Cavendish moved that documents of such high importance should be placed under the custody of the house; and Harbord, lord Russell, and several others were commissioned to proceed and take possession of the letters in question, in the name of the commons of England. They returned bearing a small casket, which was placed on the table; and Montague, selecting from its contents two papers, delivered them to the speaker, protesting at the same time that it had been his intention to have communicated them through secretary Coventry to the king, and that he should not have presumed to make them public even now, were it not in obedience to the express commands of the house. Both bore the signature of the lord treasurer. One, of the date of Jan. 16, stated that the adjournment for thirteen days had been adopted in the hope of discovering in the interval some expedient for a peace; the other proved to be the celebrated despatch of March 25, with which the reader is already acquainted.

The reading of these papers electrified the house. They were described as a continuation of Coleman's intrigue; they proved that the same objects were kept in view, and the same manœuvres employed; that the king's ardour for war had been a mere pretext to wring money from his people; and that, the moment money was voted, he had offered to sell the nation to a foreign sovereign. The debate was long and stormy; and no one expressed more virtuous indignation against pecuniary transactions with France, than those who were then in the pay, or who had planned the prosecution with the advice of the French ambassador. The house, carried away by the impulse of the moment, voted by a majority  
Dec. 19. of sixty-three voices that the lord treasurer should be impeached of high treason, and that his letters should be entered on the journals\*.

Thus far the cunning of Montague had triumphed

\* Journ. Dec. 19. Reresby, 74—78. Parl. Hist. iv. 1054—1067.

over that of the minister. He was not, however, without apprehension. He knew that the charge which he had brought might be retorted with tenfold energy against himself, and that the letters, in which he had originally suggested, and afterwards advised, the measure, were still in existence: but he gave credit to his adversary for a more delicate sense of honour than he possessed himself, and trusted that Danby would be restrained from the publication of those documents by the fear of betraying at the same time the secret views and negotiations of the sovereign. In this respect he argued correctly; for out of the whole correspondence the treasurer could find but two letters, which he might produce in his vindication without compromising the king. Both were forwarded to the house. The first, dated Jan. 1, N. S. gave information that Ruvigny was sent to London to treat through lord Russell with the popular leaders; the other of the 18<sup>th</sup> contained a proposal from Montague respecting a demand of money on a conclusion of peace, and a request that he might be furnished with instructions on that head. They were publicly read by the speaker, but no attention was paid to them by the house, nor were they entered on the journals. The next day the impeachment was voted, and sir Henry Capel received orders to carry it to the house of lords \*.

Dec.

20.

21.

\* Danby says that the letters were not read (Danby, 102); but this, it appears from the journals (Dec 20), is a mistake. They were moreover entered, and, what is still more extraordinary, the entry of Danby's letters omits the very important postscript in the hand of the king, testifying that the letter was written by his order. Was it then intended to keep this circumstance from the knowledge of the house? It has been answered no: that the letter, which had been read and was entered, was a copy only wanting the postscript. for lord Russell said, "Montague cannot come at the originals now, but he has a copy of them." Whether that copy had, or had not the post-script, is immaterial for lord Russell spoke before the messengers were sent for the box, and meant to inform the house that, if the originals had been seized, yet there was still a copy at their service. But no use was made of that copy because the messengers returned with the box, out of which Montague himself took the originals, and delivered them to the speaker, who read them to the house. Mr. Williams immediately asked, "will any member aver this to be the treasurer's letter?" Montague replied, "I conceive it to be his hand; for I have

This instrument accused the earl of Danby of high treason and other high crimes, misdemeanors, and offences : and in particular 1. of traitorously "accreching" to himself regal power by acting without communication with the secretaries of state and the other counsellors ; 2. of endeavouring to subvert the ancient government by keeping on foot a standing army ; 3. of negotiating a peace in favour of France to the prejudice of England, that he might in return obtain money from France for the support of that army ; 4. of being popishly inclined, and of having concealed the popish plot ; 5. of having wasted the royal treasure in secret services and useless pensions ; and, lastly, of having obtained for himself grants from the crown contrary to the act of parliament\*.

Of Montague's perfidy and baseness in this proceeding there can be but one opinion. He had charged the counsels, of which he was himself the author, on one by whom they had always been opposed ; he had betrayed the confidence reposed in him by his sovereign, and had sold his services to that very power, whose intrigues he had been commissioned to watch and unravel. Nor can much be said in favour of the leaders by whom he was supported. They lent their powerful aid to the malice of a disappointed individual and the policy of a foreign court ; they sought to interest the passions of the house by clamour and misrepresentation ; they voted charges which were, on the very face of them, false and absurd ; they affixed the penalties of treason to an offence which, when fully proved, could amount to no more than a misdemeanor ; and this sacrifice of honour, truth, and justice, they made for the paltry purpose of ruining the adverse leader of a political party. Their intemperance, however, had its usefulness. It taught succeeding ministers to recollect that, besides the sovereign whom they

had several letters from him in the same hand" *Parl. Hist.* iv. 1061. Hence it is plain that the original letters were read and probable, that the postscript, as it was not afterwards entered, had been suppressed at the reading.

\* C Journ Dec. 21.



served, there existed another power, before which they might be compelled to answer, if, through obsequiousness to the royal will, they should presume to violate the existing laws, or to act in opposition to the acknowledged interests, of the country.

In the house of lords Danby defended himself with spirit and eloquence. It was, he owned, a misfortune to be under an impeachment by the house of commons; yet even with that misfortune upon him he deemed himself more happy than his accuser, abhorred as that accuser must be by every honest man, for his duplicity, his perfidy, and his ingratitude. Of the charges against him he spoke with contempt. He denied them all: he defied his adversaries to the proof: he asked for nothing but an equal and a speedy trial. The commons insisted that he should be committed a prisoner to the Tower: but it was argued that not one of the offences specified in the impeachment amounted in law to high treason: after an adjourned debate the demand was refused, and a day was appointed on which the treasurer should give his answer \*. Dec. 23.

The parliament had now lasted eighteen years. In its infancy it had been distinguished by a habit of blind obsequiousness, in its more mature age by a system of determined hostility, to the court. The duke of York long ago advised a dissolution: but Charles had listened to the contrary suggestions of the minister, who felt little for the personal embarrassments of the king's brother, as long as he hoped by promises and bribes to mould the majority to his own purposes. Now, however, this hope had vanished. An impeachment was hanging over his head: he could have no certain reliance on his innocence, at a time when the jealous and vengeful passions of the people were in the keeping of his adversaries; and there was reason to fear that the king, however resolute he might profess to be at the moment, would ultimately

\* L. Journ. xiii, 432—435, 441. Parl Hist iv, 1069. Reresby, 78.

yield to his habitual love of ease, and his constitutional apprehension of resistance. The treasurer's best chance of safety depended on an immediate termination of the session. It would, indeed, be accompanied with an inconvenience, the loss of a bill of supply for 640,000*l.* for the disbanding of the army: but for this might be substituted the surplus revenue of the year and a loan from the prince of Orange. Danby ventured to bring forward the proposal in the council; and Charles readily prorogued the parliament for the space of five weeks\*.

Dec.  
30.

\* *L. Journ.* 447 *Retesby*, 78 The savings to the amount of 600,000*l.* had hitherto been applied towards the gradual extinction of the debt incurred by the stoppage of the exchequer in 1672 *Retesby*, 67 *Parl. Hist* iv. 1063. 1071.

## CHAPTER III.

## CHARLES II.

The duke of York quits the kingdom—Danby pardoned by the king, but imprisoned—New council—Debate on the bill of exclusion—Prorogation—Execution of Mitchell in Scotland—Murder of archbishop Sharp—Victory and defeat of the Covenanters—Trial and execution of five Jesuits—Of Langhorne—Acquittal of Wakeman—Dissolution of parliament—Petitioners and abhorers—Bill of exclusion lost in the house of lords—Trial and execution of viscount Stafford

FROM the prorogation the lord treasurer derived this 1679. important benefit: it suspended the proceedings against him, and afforded him a breathing time to provide for his own security. His first care was to break the combination of his enemies by entering into a private treaty with some of the leaders: the lord Holles in one house, and Lyttleton in the other, were induced to make to him, under certain conditions, a promise of neutrality, if not of support, on the question of impeachment; and the king by his advice dissolved the parliament, summoning Jan. at the same time another to meet at the expiration of forty 24. days. Never perhaps did a general election take place at a season of more intense excitement. The flame kindled in the capital had spread to the remotest corners of the country; and the minds of men were agitated by rumours and jealousies the most extraordinary and unfounded. They believed at the same time that the king was a party to the conspiracy, and that his death was one of the great objects of the conspirators; they suffered their judgments to be swayed by words instead of facts, but by words apparently of tremendous import, though

without any definite meaning; and the candidates in the interest of the court were everywhere assailed with cries of the danger of protestantism, and the bloody designs of the papists. The returns proved that the influence of the minister was no match for the phrenzy of the people. His adherents were rejected with marks of infamy, and their places supplied with men breathing vengeance against the catholics, and against an administration by which they believed that the catholics were secretly supported\*.

The unfavourable result of the elections suggested to Danby the necessity of some expedient to propitiate and disarm his opponents. *They* had failed to exclude the duke of York from the house of lords; *he* undertook to remove him from the kingdom. To sound the disposition of that prince, certain persons, some his known friends, others considered as neutral, were employed to explain to him the expediency of a voluntary but temporary exile; and, when he refused to purchase impunity for the minister by his own disgrace, Danby advised the king to send him an order to quit England, and to fix his residence at Brussels. But the good nature of Charles recoiled from so harsh and ungracious a proceeding; the suggestion of an attempt to convert his misbelieving brother was adopted as less offensive to his feelings; and the archbishop with some of his brethren received a commission to bring back the strayed sheep to the fold of the established church. These prelates waited on the duke: they represented to him the pain which it gave them to behold the son of a martyred king absenting himself from the national worship: they inveighed in sharp and bitter terms against the principles of the Roman church; and they maintained that she "both taught and practised doctrines destructive of salvation;" an assertion which, with his permission, they were prepared to establish, "not by perplexing him with the subtleties and niceties of the schools, but by a plain text

Feb.  
22.

\* Burnet, ii. 177 I. Journ. xiii 448. North, 504, 505.

“ or two, and a plain obvious matter of fact.” James replied that he doubted not the uprightness of their motives, though he knew that the suggestion came from an enemy: that it would be presumption in him, a layman, to enter the lists against professed theologians; that he had not changed his religious creed without a serious examination of the distinctive doctrines of the two churches, or a clear foresight of the sacrifices which that change would entail upon himself; and that to renew the investigation would require more leisure than he at that time possessed, and more deep and continued attention than he could under existing circumstances command. The failure of the prelates and the importunity of the treasurer subdued the reluctance of Charles, who at length mustered sufficient courage to hint to James that his expatriation for a short time offered the most probable means of mitigating the hostility of his enemies. The duke professed himself ready to submit to the royal will, but at the same time solicited two favours; one an order in writing to quit the kingdom, that he might not appear to steal like a coward from the contest; the other, a solemn promise that his rights should not be sacrificed in his absence to the pretensions of Monmouth, who, it was now reported, had provided four witnesses to establish, in the event of the king’s death, a contract of marriage between his father and mother. The order was immediately given in the form of a most affectionate letter; and Charles, having assembled the council, declared “ in the presence of Almighty God that he had  
 “ never given or made any contract of marriage, nor was  
 “ ever married to any woman whatsoever but his wife,  
 “ queen Catherine, then living.” For greater security he subscribed this declaration, commanded the counsellors present to attest its execution with their signatures, and ordered the instrument with their testimony to be enrolled in chancery\*. James, accompanied by the

Feb.  
28.  
Mar.  
3.

\* This declaration, as well as another made on the 6th of January, has

Mar. duchess, departed the next day for Brussels: his  
 4. daughter Anne was left under the care of her uncle, that it might not be said that her father meant to seduce her from the protestant worship\*.

The parliament opened with a violent altercation  
 6. respecting the choice of a speaker. Seymour, who had discharged the office in the last, was re-elected by the new house of commons. This, however, accorded not with the designs of the lord treasurer, and it was resolved that when, according to custom, he should beg of the king to be excused, his prayer should be granted: but  
 7. Seymour, aware of the intention, omitted in his speech the usual disqualifying expressions, and merely stated that he stood there to receive his majesty's approbation. The chancellor was disconcerted: Charles had more self-possession; he whispered in the ear of that officer, who answered that Seymour was reserved for a different employment, and that the commons must proceed to a new election.

This affront to the speaker elect has been represented as the consequence of a private quarrel between him and the lady Danby. But it is scarcely credible that the treasurer, with an impeachment hanging over his head, would wantonly plunge into another quarrel with the house of commons merely to gratify the resentment of his wife; and the subsequent proceedings appear to show that the attempt was made in consequence of the secret understanding between him and some of the popular leaders. The person whom he sought to substitute in the place of Seymour was sir Thomas Meres, one of his most active and eloquent opponents in the late parliament; but the commons adhered to their first

been published by Mr. Rose from the rolls in chancery. Observations on Fox, App p 59.

\* James (Memoirs), i. 530, 536, 537, 541. Dalrymple, n. 212. Burnet, n. 194. The discourse of the prelates is in Clai. Corresp ii App 467—471. The duke afterwards wrote to the archbishop an account of his conversion, which did not take place till after the Restoration, and in consequence of the fullest conviction. James (Memoirs), i. 539, 540.

choice ; and to their petition, that the king would not Mar.  
 invade their undoubted right, an answer was returned, 11.  
 bidding them not to waste the time but to obey. They 12.  
 requested him to reconsider their petition, and he pro- 13.  
 rogued the parliament for two days. When the house  
 met again, Seymour was never mentioned : as if no dis-  
 pute had previously existed, serjeant Gregory, on the 15.  
 motion of lord Russell, seconded by lord Cavendish, was  
 placed in the chair, and the new speaker immediately  
 received the approbation of the king. By this arrange-  
 ment Charles saved to the crown the right of refusing  
 the person elected ; and the commons took from the  
 privy counsellors, by whom it had hitherto been exer-  
 cised, the privilege of proposing the name of the speaker,  
 and extended it to any member of the house \*.

The moment the last parliament was prorogued,  
 Montague, apprehensive of the royal resentment, had  
 endeavoured to escape to the continent in disguise, but  
 had been apprehended on suspicion at Dover, and com-  
 pelled to give security that he would not quit the king-  
 dom. Again, however, he absconded, till his election  
 for the borough of Huntingdon in the new parliament  
 reinvested him with freedom from arrest, and placed  
 him in a situation to resume the prosecution of Danby†.  
 Fortunately for this purpose the lords had resolved that  
 “ the dissolution of the last parliament did not alter the  
 “ state of the impeachments, brought up by the commons  
 “ in that parliament‡,” and the majority of the house  
 were so irritated by the late contest respecting the  
 speaker, that they offered themselves to become the  
 willing tools of his policy or malice. Charles saw, and  
 sought to avert, the impending storm. Having com-  
 pelled the treasurer to resign the staff, he called the two  
 houses into the royal presence, and informed them that,

\* Reresby, 80—82. Parl Hist. iv. 1093—1113. Burnet, ii. 194.

† Danby, 118

‡ L. Journ. xiii. 464. 466. We may infer from the report of the committee  
 that this resolution was not founded on any ancient precedent, because no  
 inquiry into precedents was made.

whatever Danby had done in the writing of the letters, or the inquiry into the plot, had been done by his express order: that they were in reality his own acts, and he was therefore bound to shield his minister from punishment on his account. There existed, indeed, other reasons why he should exclude the earl from his counsels and presence; but, with respect to the offences of which he had been impeached, a full pardon had already been granted him, and that pardon should be renewed a dozen times, if a dozen renewals should be found necessary\*.

If Charles assumed on this occasion so decisive a tone in favour of his late minister, it was not that he any longer looked upon him with feelings of friendship and esteem. For some months the chief object of Danby's proceedings had been his own preservation; to his obstinacy in the inquiry into the plot the king attributed all his present embarrassments; and the duchess of Portsmouth, whose industry had been quickened by a threat of impeachment, laboured by her suggestions to strengthen the alienation of the royal mind†. But a sense of honour and justice (so it was pretended) forbade the monarch to allow that the servant should suffer the penalty of a transaction, in which he had done nothing more than obey the command of his master; though, if we believe Danby himself, the king was actuated by another and more selfish motive; it was for the royal interest to prevent a trial, because a trial would probably lead to the exposure of the secret treaties between Charles and the king of France. Had it not been for this inconvenience, Danby would have refused the pardon: he wanted no shield for defence; he was ready to fight his enemies with such arms as innocence supplied‡. However that may be, by the house the very mention of a pardon in bar of an impeachment was taken

\* Ibid. 466 Reresby, 84. Burnet, ii. 196 The pardon was dated on March 1. See it in Journals, Ann. 539.

† Temple, ii. 478.

‡ Danby, 109 111



as a wrong and an insult. Having searched in vain for a copy of the instrument in the different public offices, they interrogated the lord chancellor; and learned from him that Danby offered the pardon ready drawn to the king, who immediately signed it, and ordered the person, who carried the bag, to affix the great seal in his presence\*. In the debate which followed, Powle (the reader will recollect that he was at the very time the secret pensionary of Barillon) called in bold and indignant language for the punishment of a perfidious minister. Danby, it was said, had brought the nation to the very brink of ruin: it was to his mercenary policy that Louis owed the victories which made him master of Flanders, and to his arbitrary maxims that the last house of commons was indebted for the sharp and vituperatory answers which had been returned to its addresses. He had raised a standing army with the intention of defraying the charge for three years with French money; he had drained the treasury to enrich himself, and to bribe others; and he had first concealed the plot, then tampered with Bedloe to prevail on him to abscond, and afterwards had spoken of Oates in terms of obloquy and contempt. The king possessed, it was true, the power of pardoning, when *he* was the prosecutor: but, had he the same power when the prosecution proceeded from the house of commons? He could not deprive an injured individual of his remedy at law; and by parity of reasoning he could not take from the representatives of the nation their remedy against the national enemy. By the courtiers it was replied, that the right of pardoning was vested in the crown; that up to that day the exercise of such right had never been called in question; that, if any inconvenience were experienced, limitations might be imposed by a prospective law, but such limitations could not operate to the prejudice of pardons already

Mar  
24.

\* Hence the chancellor argued that the seal was not in his possession, but in the possession of the king, and that of course he was not responsible  
C. Journ. March 24.

passed. After a stormy debate the house resolved to represent to the king the irregularity and illegality of the pardon, with the dangerous consequences of pardons in cases of impeachment by the commons of England ; and at the same time to send a message to the lords, demanding that the accused might be sequestered from parliament, and committed to safe custody. The representation was not made ; but the votes of the house served to alarm both the king, who saw that by supporting the minister he had involved himself in a new contest respecting his prerogative, and the lords, who, that they might not seem to act from intimidation, ordered in great haste the usher of the black rod to take the earl of Danby into custody, and then in answer to the message, replied that they had already of their own motion anticipated the wishes of the commons\*.

- Mar. 26. <sup>a</sup> To prevent the trial, now became the chief object of the court. Danby, with the king's connivance, had secretly taken refuge at Whitehall, while the lords passed a bill disabling him from holding office, or sitting in parliament, to which was afterwards added a clause banishing him from the kingdom. By the commons this bill
- April 1. was rejected on the first reading, and one of attainder substituted, unless he should surrender himself for trial against a certain day. This, however, in its progress through the upper house, was by successive amendments, converted into a bill of banishment, similar in its provisions to the former. The commons rejected the amendments ; conferences followed between the houses, and
4. private meetings between the leaders of the parties ; the king's friends, among whom, for reasons to be presently related, Shaftesbury now took a prominent part, offered to consent to additional severities, to the loss of the peerage, to the confiscation of property, to any thing except a trial on the charge of high treason ; but their
7. 8. 10.

\* C. Journ March 24. L. Journ xiii. 475. Parl. Hist. iv. 1115. Burnet, ii. 196. On the 10th of April the lords resolved that the previous refusal to commit Danby should not be drawn into precedent. L. Journ. 510

adversaries were as eager to acquire, as the king was to conceal, the knowledge of the secret negotiations with France: the lords found themselves compelled to acquiesce, and, as soon as the bill had passed both houses, Danby surrendered himself to the black rod, and was committed to the Tower. A few days later he put in his answer, in which, having complained of the generality and uncertainty of the articles, he successively denied them all; and then, reciting at large the pardon granted to him by the king, pleaded it in bar of the impeachment, and in discharge of all the offences of which he was accused \*.

The eagerness with which the popular leaders hunted down this unfortunate minister did not cause them to relax in their pursuit of the supposed conspiracy. The two houses still appeared to contend against each other in the race of orthodoxy and loyalty. Informers and arrests were multiplied; every prison in the metropolis was filled with the victims of perjury and suspicion; throughout the kingdom all catholics, not merely those of rank and influence, but artisans, servants, and labourers, were summoned to take the oaths, or give security for their behaviour; every priest whom the officers could discover was committed to take his trial on the charge of high treason: and the king was harassed with addresses for rewards to informers †, for the ejection of papists from the mus of court, and for the removal

\* L. Journ 476 479 481 496, 497 505. 509, 510. 513, 514 516 520, 521 537. C. Journ, March 27, App 1. 7, 8 12. 14. Burnet, ii. 197. Rothesby, 84—86

† In consequence of repeated addresses, Oates and Bedloe were not only lodged and boarded at the public charge, they also received large sums of money, Bedloe, in particular, the reward of 500*l.* promised for the discovery of the murderers of Godfrey. In the Appendix I shall give the bills of expenses delivered in by these men; by Oates on the 11th, by Bedloe on the 15th of February. That by Oates amounted to 678*l.* 12*s.* 6*d.*, that by Bedloe to 21*l.* When the reader has perused them, he will be at a loss which to admire the most, the impudence of these impostors, or the credulity of the men who condescended to be their dupes. Oates charged the nation 50*l.* for a pretended manuscript of the Alexandrine copy of the Septuagint, which he alleged that he had given to the jesuits in order to win their confidence! See note (A).

from employment of all protestants who suffered any of their children to be educated in the catholic faith. Both houses again declared that there had existed, and did exist, a horrid and treasonable conspiracy, contrived by those of the popish religion, for the murdering of the king, the subverting of protestantism, and the ruin of the ancient government of the kingdom; and, the more to inflame the passions of the people, it was ordered that this vote should be prefixed to the public form of prayer appointed to be read on the day of the national fast. So general, indeed, was the infatuation, so violent were the antipathies of those who partook of it, that even the few who doubted or disbelieved the existence of the plot, concluded "that it must of necessity be pursued as if it were true, whether it were so or not: and that, without the king's uniting with his people on this point, he would never grow into ease at home, or consideration abroad \*.

The articles of impeachment against the catholic peers in the Tower were at length forwarded by the hands of lord Russell to the house of lords. This instrument April 7. charged them, that, in union with cardinal Howard, the provincial of the jesuits, and a number of persons, whose names were mentioned, they had conspired to imprison, depose, and murder the king, and to reduce the kingdom under the tyranny of the pope; and that for this purpose they had employed persons to take his majesty's life, had provided men and arms, had corresponded with other conspirators beyond the sea, had accepted commissions from the pope, had caused their priests to administer oaths of secrecy, and had incited their adherents to  
15. assassinate sir Edmondbury Godfrey. The lord Petre pleaded at once that he was not guilty; the others that they could not be expected to answer a charge so general and uncertain, which specified neither the times when, nor the places where, the offences were supposed to be committed, and which consequently, by keeping them in ignorance, disabled them from providing witnesses, or

\* Temple, ii. 491.

preparing their defence. That there was much reason in this objection, can hardly be denied : but the commons pronounced it an evasion, and resolved to demand judgment against the four lords unless they put in a different answer. They deemed it prudent to yield, and, saving to themselves the benefit of exception to the generality, uncertainty, and insufficiency of the articles, severally pleaded not guilty \*.

April  
25.

On the preceding day had been tried, under a special 21. commission, and at the request of the house of commons, Nathaniel Reading, a protestant barrister, once secretary to Masaniello in the celebrated insurrection at Naples, but now practising the law in London. He was acquainted with Bedloe, had often given him the benefit of his advice, and occasionally supplied him with money. In Trinity term he had been employed in procuring the discharge on bail of several among the prisoners on account of the plot, and after the dissolution had been consulted on the same subject by some of the lords in the Tower. In a private conversation between Reading and Bedloe it was suggested (but from which of the two the suggestion originated is uncertain) that, in consideration of an adequate reward, the informer might pare down the evidence which he had already given, so as to render it insufficient to convict the accused of treason. For this purpose, Reading, with the concurrence of Bedloe, wrote out an amended form of testimony to be produced on the trial, took it with them to the Tower, and on his return delivered it to his associate. But that associate had previously betrayed him to the committee of inquiry : witnesses had been concealed to overhear their discourse, and the paper in his writing was instantly, but secretly, transferred to the custody of a third person †. The fact could not be denied. Reading sought

\* C. Journ App 3 23. L. Journ. 500. 517. 521 535 542.

† This account is taken from the evidence at the trial, but Reading, after he had stood in the pillory, presented a petition to the king, stating that he had been employed by Bedloe to draw up his pardons, that by free conversation with him he discovered not only his practices against inno-

to extenuate the offence by protesting that the first proposal came from his accuser, and that he joined in it for no other purpose than to prevent the shedding of innocent blood. He was sentenced to stand in the pillory, to pay a fine of 1000*l.*, and to suffer a year's imprisonment. Much appeared on the trial to expose the profligate character of Bedloe, but the punishment of the pillory disabled Reading from being afterwards produced as a witness to depose to his frauds and perjuries. Fortunately for the three lords, Powis, Stafford, and Petre, they had refused to send money, or to give any written promise to the informer: yet in the public mind the conviction of Reading created a strong presumption against them, accompanied with a persuasion that the attempt must have proceeded from their consciousness of guilt. It must be confessed that in ordinary times, when justice is fairly administered, such an inference is obvious; but it is not warranted in cases where innocence can afford no protection against the perjuries of witnesses and the prejudices of the court and jury. The accused foresaw that, if Bedloe were permitted to give his evidence, their lives would be sacrificed: it is no wonder, then, if they were willing to purchase his silence with money, the only object which he sought by becoming an informer\*.

Ever since the short prorogation the king had been

cent men, but his design of accusing the queen, and that he had intended to disclose it to the king, when, to prevent him, Bedloe and his accomplices charged him falsely of the crime for which he had been condemned and punished, which punishment he might have escaped if he would have turned informer against the innocent; wherefore he prayed that he might be admitted to prove the said practice of Bedloe and his confederates. June 4, 1679. To this petition no answer was returned. From a copy of the petition in the hand-writing of lord viscount Stafford, now in possession of lord Stafford.

\* State Trials, vii. 259—310. In answer to the questions put by Reading, Bedloe was compelled to acknowledge that he had intended, and even made preparations, to burn the city of Westminster; but that offence, he maintained, was covered by the king's pardon. He confessed also that he had been guilty of perjury on the trial of Whitbread, in swearing that he knew nothing of consequence against that Jesuit, but this he attributed to the persuasion of Reading. The fact was, he meant now to appear as a witness at the second trial of Whitbread, and invented this answer as an excuse for the contradiction which would then appear in his testimony. Ibid. 271, 291, 294, 296.

occupied in devising and arranging a most important change in the administration of the government. The exile of his brother and the disgrace of Danby had left him without an adviser to whom he dared unbosom himself with freedom and confidence. He had sent for Temple from the Hague to succeed Coventry as secretary of state. But Temple feared the responsibility of such an office in the excited state of the public mind, and suggested to the king to govern for the future without a prime minister, or cabinet council, or committee for foreign affairs; to dissolve the present council of state, consisting of fifty members, as being too numerous for secrecy or despatch; to establish in its place a new council of thirty individuals, to whom all public affairs should be referred, and by whose opinion the proceedings of government should be regulated: to give a place in this council to fifteen officers of state in virtue of their respective employments; to select the other fifteen from the popular leaders in the two houses; and to take care that the annual income of the thirty counsellors should amount to 300,000*l.*, that it might bear some proportion to that of the house of commons, which was estimated at 400,000*l.* It was expected that the following benefits would be derived from this institution: 1. the determined hostility of the popular party would in all probability be neutralized by the infusion of their leaders into the new council; 2. in the event of a rupture between the house of commons and the court, the authority of the first would be balanced by the contrary authority of a body almost equal in point of property: for it was assumed as a political axiom that influence always accompanies property; 3. and the king would be still secure of the ascendancy in the council, because he might at all times command the votes of the fifteen officers of state, who depended on his pleasure for the possession of their respective employments\*.

When this had been determined with Temple, Charles

\* Temple, ii. 493. 495 554.

called in the lord chancellor, the earl of Sunderland, who had succeeded Williamson as second secretary of state, and the earl of Essex, who by the interest of Monmouth had been placed at the head of the treasury. The first difficulty in the nomination of the new counsellors arose from the mention of lord Halifax. To him the king expressed the strongest dislike; nor was his consent extorted without repeated and most earnest entreaties. Immediately, to their surprise, he himself proposed the lord Shaftesbury, alleging, as the reason, that Shaftesbury had it in his power to be still more mischievous than Halifax; and, when they objected that he would never be content to sit down as one among thirty, replied that he should be president of the council\*. Temple was silenced by the authority of the king and the approbation of his three colleagues, and the new council was instituted, containing, besides the officers of state, two lords from each rank in the peerage, the dukes of Albemarle and Newcastle, the marquesses of Winchester and Worcester, the earls of Salisbury and Bridgewater, the viscounts Falconberg and Halifax, and the lords Robartes and Holles; and in addition to Temple himself the lords Russell and Cavendish, with Seymour, the late speaker, and Powle, from the house of commons†. Charles deemed the event of sufficient importance to announce it in a set speech to both houses of parliament. In the city and the country the intelligence excited the most tumultuous joy, which was testified by bonfires, and the usual manifestations of national triumph; and in Holland and

\* Temple does not attempt to account for this choice on the part of the king; perhaps it may be explained by the remark of James, that "he thought to keep Shaftesbury from doing him hurt by keeping him in his service" James (*Memoirs*), i. 558.

† See their names and offices in *Countenay's Mem. of Temple*, ii. 38. Of the officers of state, Shaftesbury president of the council, Monmouth master of the horse, Essex first lord of the treasury, and his brother Capel first lord of the admiralty belonged to the opposition, and of the ten peers, if we may judge from the signatures to the protests in the journals, Winchester, Salisbury, Falconberg, Halifax and Holles.



Flanders it was hailed as the harbinger of a reconciliation between the king and his people, which would enable England to oppose an effectual barrier to the ambitious projects still attributed to the king of France. There were, however, many who looked on it with very different feelings. The catholics anticipated the aggravation of their present miseries; the most loyal of the old cavaliers believed that the king had delivered himself bound and gagged into the hands of his enemies, and the duke of York from Brussels foretold the downfall of the monarchy, or the horrors of a second civil war. But, what created universal surprise, was the air of sullen indifference with which the announcement was received by the house of commons. The other leaders thought themselves entitled to a seat in the new council as much as their colleagues. They declared that they did not understand the measure: it was probably an artifice of the court to lull them into a fatal security; it would be advisable to suspend their judgment till time had shown in what manner the new system would work. It soon appeared that Capel, Cavendish, and Powle, by their greater moderation, had forfeited the confidence of the house: lord Russell, who continued to speak with his usual warmth, alone retained his former influence\*.

The alteration had certainly been wrung from the king by the necessity of his situation. But though he was prepared to make the most painful sacrifices for the purpose of appeasing the jealousies of the nation, he had resolved to be, and to show that he would be, the master. One of the first measures recommended by the new counsellors, was to weed out of office, and in particular out of the courts of law, and the commission of lieutenancy and the peace, all persons suspected of a secret leaning to popery. A new board of admiralty was

\* Temple, ii. 497, 556. C Journ App 21. L Journ 530. Dalrymple, 216, 217. "Tho' great patriots before in the esteem of both houses, most of them began to loose their credit with both, so true it is, there is no wearing the court and country liver together." Reresby, 89. Sydney's Letters, 16 50.

already appointed, four of the twelve judges were displaced, when Charles persuaded himself that the real object was to remove from power all the real friends of the crown. He took his seat at the board, called for the rolls, and, wherever he found the name of a "bad man to be removed," assigned in his favour some reason so very ludicrous and inappropriate, as to convince the council that he came there not to argue the question, but to be obeyed. This policy succeeded; and after a few meetings the attempt was abandoned\*.

The unexpected elevation of Shaftesbury had increased his power without mitigating his hostility. It was supposed by his adherents that he owed his good fortune to the favour of Monmouth, and that the counsels of Monmouth had now that weight with the sovereign which report had formerly attributed to those of the duke of York. Hence the agitator had little difficulty in persuading the popular party that Charles was not unwilling to concede the exclusion of his brother, but that he would rather have it appear to be extorted from him by the importunity of the house, than to be offered spontaneously by himself†. The plan of proceeding was arranged with Shaftesbury's usual ingenuity. A report from one of the committees informed the house of a recent attempt of the papists to burn the capital by setting fire to a press in one of the houses in Fetter-lane‡. It was immediately contended that these eternal enemies

April  
26.

\* Temple, 557. North, 77. "He found some joecular reason to let him stand, as that he was a good cocker, understood hunting, kept a good house, had good chimes of beef, or kept good fox hounds, or some such indifferent matter that it was ridiculous to contradict or dispute upon." 78.

† Temple, ii. 498

‡ A servant maid confessed that she had been induced to set fire to the press by one Stubbs, who had endeavoured to pervert her, and had promised her a reward of 5*l*. Stubbs confessed that he had been hired by Gifford, his confessor, who said that it was no sin, and promised him 100*l*. reward out of the monies belonging to the church; he added that two Irishmen were to feed the conflagration with fire balls, that the English, Irish, and French papists in London would form a large army, and that the king of France had sixty thousand men ready to land to their assistance. C. Journ. App. 26. This absurd tale served its purpose for the moment, and was then suffered to be forgotten.

of protestantism had not abandoned their flagitious designs, though so many of their agents had been convicted and executed; that the life of the king was daily in the most imminent danger; and that his fall would be inevitably followed by the conflagration of the city, the massacre of the orthodox inhabitants, and the ascendancy of popery and arbitrary power. At the same time information was conveyed to the committee of secrecy, that several bodies of French troops had been ordered to march to the coast, to be placed under the command of the duke of York, for the purpose of making a descent in England; and, when the minds of the members were sufficiently excited by these reports and harangues, votes were moved and carried to provide means for the security of the royal person and of the protestant religion; to address the king for the revocation of all licenses granted to papists to reside in the capital; to order for execution Pickering, who had obtained a respite, and all priests who had been convicted of having exercised their functions within the realm; to send by the lord Russell April to the house of lords for their concurrence a resolution 27. that "the duke of York's being a papist and the hope of his coming to the crown had given the greatest countenance and encouragement to the conspiracies and "designs of the papists:" and to prepare for the information of the house an abstract of all the evidence which tended in any manner to affect that prince\*. Charles, aware of the real object of these votes, thought it time to interfere, and to moderate by concession the violence of the party. He proposed in the council to enact that, in the event of a catholic succeeding to the throne, all presentations to church livings should be taken from him and vested in protestant trustees; that the parliament in existence at the time of the last king's demise should continue to sit, or, if none were then sitting, the

\* James, i. 546. Com. Journ. App. 26, 27. Parl. Hist. iv. 1125. Alg. Sydney's Letters, 36.

- latest parliament that sat should re-assemble; and that no judges, no members of the council, no lord-lieutenants or their deputies, and no officers of the navy should be appointed or displaced but by authority of parliament. Shaftesbury declared against such expedients; they were an attempt to bind Samson with withes; they were shackles from which any king might disengage himself without difficulty. But the majority of his colleagues expressed their approbation, and the chancellor in the presence of the king laid the plan before the two houses\*. The lords returned an address of thanks; the commons passed to the order of the day, and attended to the report of the committee, appointed to search for evidence against the duke. It stated on the authority of Coleman's letters that he had corresponded with the pope; that his first communication was lost on the way: that the second drew tears of joy from the pontiff; and that in the third he excused the consent which he had given to the marriage of his daughter with the protestant prince of Orange. This report provoked an order to prepare a bill for his exclusion from the English throne, and a vote that the members would stand by his majesty with their lives and fortunes, and "if he should come by a violent death, would revenge his death to the utmost upon the papists†."
15. The bill of exclusion provided that, "whereas the emissaries, priests, and agents of the pope had seduced James duke of York to the communion of the church of Rome, and prevailed on him to enter into negotiations with the pope and his nuncios, and to advance the power and greatness of the French king, to the end that by the descent of the crown upon a papist, and by foreign alliances, they might be able to succeed in their wicked designs, the said James should be incapable of

\* Temple, ii. 501. James (Memoirs), 548. L. Journ. 547. C. Journ. App. 30. Temple joined Shaftesbury in the council, but on a different ground: that, if such restraints were imposed on a catholic king, they would never be shaken off by his protestant successors. Temple, 562.

† C. Journ. May 11. Reresby, 89. Sydney's Letters, 65. 68.

inheriting the crowns of England and Ireland; that, on the demise of his majesty without heirs of his body, his dominions should devolve, as if the duke of York were also dead, on that person next in succession, who had always professed the protestant religion established by law; that if the duke of York, who was then in foreign parts, should ever return into these dominions, he should be, and was thereby attainted of high treason; and that if any one, during the king's life or afterwards, should aid or counsel the said duke, or should correspond with him either within or without the realm, or endeavour his return, or pronounce him the lawful heir, every such person so offending should be adjudged guilty of high treason\*.

In support of this measure it was argued, 1. that the legislative power residing in the parliament was entire and supreme, extending to all matters of policy, and uncontrollable by former enactments: whence it followed that the present parliament was as capable of revising, modifying, repealing laws, and consequently of regulating the succession to the crown, as any preceding parliament by which that succession had been established; 2. that the great end of government was the common welfare, and that it was therefore the duty of parliament to exclude the duke of York, if it could be shown that such exclusion was necessary to the safety of the nation; 3. that the great inducement to the papists to attempt the assassination of the king, the conflagration of the capital, and the destruction of the protestant religion, was the knowledge that the duke was the next heir to the crown; which inducement, and with it the dangers which it threatened, would by that bill be taken away; 4. that the preservation of the protestant religion, required the exclusion of a prince who would deem himself bound in conscience to labour for its subversion; 5. that he had in fact disabled himself; for the king by law was

\* Narrative of divers remarkable Proceedings in the last Sessions, p. 29. London, 1679.

head of the church; and the duke could not take upon himself to be that head, because he professed to believe that the supremacy resided in the pope.

The duke's advocates replied, 1. that there were certain fundamental laws, such as the law of Magna Charta, and the law of succession, which no parliament was competent to alter: 2. that the houses had no right to commit injustice: the crown was the inheritance of the duke; it belonged to him as truly as the inheritance of an entailed estate belonged to the next in the entail; that to deprive him of it was to punish; and to punish without charge or trial was contrary to justice: 3. that the dangers to the protestant religion, anticipated from the government of the duke, were not necessarily connected with the succession, because they might be obviated by the adoption of the expedients which the king had suggested: 4. that the exclusion itself presented dangers of a very formidable nature: the Scottish would not submit to the dictation of the English parliament: James would still succeed to the crown of Scotland; he was a brave and persevering prince; he would undoubtedly claim his right by force of arms; he would find a strong party within the realm, and powerful aid from without; and, if he were to obtain the crown by conquest, the protestant religion would be exposed to greater danger, than if he should succeed in the proper course, and under the limitations which had been recommended from the throne\*. The great struggle between the parties was reserved for the second reading, preparatory to which the committee of secrecy made its report. Out of the immense mass of papers seized in consequence of the plot, sixty-four letters had been selected: extracts from these, or the substance of

May  
21.

\* C. Journ. May 15, 21. Burnet, ii. 203. Reresby, 90, 91. Parl. Hist. 1131. 1136. "Two days after the committal of the bill," says Reresby, "I was at the king's *couchée*, and wondered to see him quite cheerful amidst such an intricacy of troubles, but it was not in his nature to think or perplex himself much about anything." 95.

certain passages in them, were collected under *separate* heads; and this collection was read to the house as satisfactory proof of the dangerous designs attributed to the duke. A division followed, and the bill was passed by a majority of seventy-nine\*.

This result cast a deep gloom over the cause of the duke of York: but his adversaries forfeited by their imprudence the benefit of their victory. They pursued too many objects at once; they were embarrassed and retarded by the necessity of dividing their attention, which was incessantly called from the bill of exclusion to the impeachment of Danby and the catholic lords, and to the angry disputes which speedily grew out of those impeachments. 1. The commons, with the speaker at their head, proceeded in a body to the house of lords, and demanded judgment against the earl of Danby; but the lords, on his petition, assigned to him a day to show with the aid of counsel the validity of his pardon, and the commons, in a moment of irritation, passed a vote, that if any commoner, without the permission of their house, should speak in support of that pardon, he should be accounted a betrayer of the liberties of Englishmen. 2. It was observed that, in all questions connected with the impeachment of Danby, the crown, with the aid of the prelates, could rely on a majority in the house of lords; and to deprive it of that majority, the new doctrine was set forth, that the bishops had no right to sit and vote on the trials of peers in capital cases. Its advocates maintained that the prelates, though lords of parliament, were not the peers or equals of the temporal lords, for the following reasons: 1. they sate in parliament only as the actual possessors of certain ecclesiastical

\* A copy was sent to the lords, and afterwards the collection was published for the information of the people, under the title of "The Popish " Damnable Plot against our Religion and Liberties fairly laid open and " discovered in the Breviats of Threescore and Four Letters, &c. 1680." To an impartial reader these breviats will not offer a shadow of proof, though men whose passions were already inflamed saw in them with the aid of the accompanying comment, much that wore such an appearance. The numbers on the division were 207 and 128 Journals, May 21.

- benefices : they did not come there by inheritance ; neither could they transmit their seats to their descendants : 2. there was no instance of a bishop since the Reformation having been tried by the house of lords : all such trials had been by a jury of commoners : commoners were then their peers, and of course *they* could not be the peers of the temporal lords ; 3. it was admitted that they never voted on judgment of death : now the final judgment often depends on the preliminary proceedings, whence it followed that they ought not to vote on such preliminary proceedings. It was answered that in the ancient rolls of parliament, the spiritual lords were styled peers of the realm no less than the temporal lords : the only difference admitted between them was, that in one case the peerage was personal and transmitted by succession to the benefice, in the other hereditary and transmitted to the heirs of the body ; and that if they had not voted in cases of blood, it was not because they had no right in law, but because in conformity with the canons of the church they had waived their claim. The lords decided that the bishops
- May  
13. had a right " to stay in court in capital cases, till judgment of death came to be pronounced ; " that is, " till the question of guilty or not guilty were put." That this decision was in strict accordance with the constitution, cannot be doubted ; but its propriety was questioned by the commons\* ; pamphlets of the most defamatory description were published, and the chief among the
16. prelates expressed a wish to abandon the contest. When orders were given for the trial of the lords in the Tower, they asked leave to withdraw after the usual protestation : but the king insisted that they should at least be present and vote at the trial of the validity of Danby's pardon. His prerogative, he observed, was at

\* L. Journ. 570. 572. It was in conformity with the eleventh of the constitutions of Clarendon that the bishops, in virtue of their baronies, are bound to be present till " sentence is about to be pronounced of life or limb."



stake, and experience must have taught them that their interest was closely bound up with that of the sovereign: the debasement of the crown would be quickly followed by that of the mitre. The commons persisted in demanding that the trial of the pardon should precede that of the five lords, and that the bishops should be excluded May from such trial; but their efforts were fruitless: the 23. lords repeatedly adhered to their former vote \*. 27.

To the colleagues of Shaftesbury in the new council, even to those of his own party, it was evident that he sought through the agency of his adherents in the house of commons to create embarrassment and confusion, that he might compel the king to accede to his favourite measures, and place himself with Monmouth, whom he governed, at the head of the administration. He had now brought into play a new engine, the secret committee of the house of commons, which in its endeavour to affix the charge of bribery and corruption on the late treasurer, had traced the annual payment of numerous sums under the denomination of the king's bounty, and of secret service money, to several members of the late parliament. The intermediate agents were Bertie, an officer in the excise, and Fox, treasurer of the navy. 23 The first refused to answer the committee without the royal permission; the second, a member of the house, was ordered to proceed to Whitehall in the custody of three of his colleagues, and to bring back to the house his books, notes, and acquittances. But the king did not sit down tamely under the insult: they had come to search his palace without his permission, and the lord chamberlain by his order commanded them in courteous but peremptory language to withdraw without the expected prize. On their return a list of the members of the last parliament was put into the hands of Fox: he was asked to which of those persons he had ever paid any sum of money, and he named seven and-twenty individuals, many of whom immediately rose, and de-

\* C Journ. May 15. 26. L. Journ 575. 577 580. 584. 586. 587. 590 594

clared that their pensions had been granted to them in exchange for offices or beneficial interests which they had resigned to the king. The house resumed the subject the next morning, and, having ordered the attendance of witnesses, adjourned the debate for three days\*.

May  
24.

Enough had occurred to convince the king that concession served only to inflame the hopes, and embolden the efforts of Shaftesbury and his adherents. He already thought of a prorogation to prevent the prosecution of this new inquiry, when he received advice that an address of thanks to the commons was circulated for signature in the city, and that a remonstrance of a most inflammatory tendency was already prepared in one of the committees. His resolution was instantly formed: that the document might not be made public he con-

27. cealed his purpose from the council; and, sending unexpectedly for the commons, prorogued the parliament for the term of ten weeks. It was a sudden and unforeseen stroke to the popular party. At first they stood mute with astonishment: in a few minutes they gave vent to their indignation, and Shaftesbury declared, before he left the house, that the advisers of the measure should pay for their presumption with their heads†.

There remains, however, to be noticed, what has since proved the most important event of this session. The writ of *habeas corpus* had been provided by the common law as a remedy against illegal imprisonment; but the benefits which it promised were gradually impaired and reduced by the ingenuity of lawyers, and the oppression of men in power. The judges assumed the right of granting or refusing the writ at discretion; the sheriffs and keepers invented pretexts to elude obedience; and the privy council hesitated not to send an obnoxious individual into some of the king's foreign dominions, and consequently beyond the jurisdiction of the courts. These abuses had been frequently exposed and lamented;

\* C. Journ. May 23, 24. Parl. Hist. iv. 1136—1146.

† L. Journ. xiii. 593. Temple, ii. 504. Reresby, 96.

and in almost every session of parliament, after the administration of lord Clarendon, attempts to remove them had been made : but bill after bill was lost, frequently by the marked opposition of the court, frequently in consequence of dissensions between the houses, and of successive prorogations. If it passed in the last session, it is chiefly to the exertions of Shaftesbury that we are indebted for the benefit : a benefit so indispensable for the security of personal liberty, that it may be thought to atone for much that was unjust and disgraceful in the career of that celebrated statesman. Its success depended on the result of a conference between the two houses : they fortunately agreed ; and the king, who waited the return of the managers, gave the royal assent to the bill immediately before the prorogation. It made the granting of the writ, and the acceptance of bail for offences bailable by law, imperative on the chancellor and the judges even during the time of vacation ; it took away all pretexts of disobedience on the part of officers holding persons in custody ; it provided for the speedy trial or discharge of prisoners committed for felony or treason ; and it abolished the practice of sending persons out of the country, and consequently out of the jurisdiction of the courts, by making such expatriation an offence subject to the most rigorous penalties, and rendering the offender incapable of receiving pardon from the sovereign. Still (so powerful was the influence of prejudice) care was taken to exclude all persons imprisoned in consequence of the plot from the benefit of the act, by limiting its operation to such commitments as should take place after the first day of the month of June\*.

But from England our attention is now called to Scotland, which was still the theatre of civil and religious dissension. The covenanters, particularly in the western counties, continued to defy the authority of the

\* Parl. Hist iv. 661. 1148. Stat 31 Car. II. c. 2. By the 56 of Geo. III. this act has been considerably improved.

law ; their obstinacy, partly through motives of interest, partly through attachment to the kirk, was countenanced and supported by the lords, who professed themselves enemies to Lauderdale ; and the resistance of the people provoked the government to acts of vigour, which, if all that is related of them be true, betrayed an equal disregard both of the rights of the subject and the claims of humanity. Yet the historian who seeks to review these transactions with impartiality will generally find himself at a loss to determine what he ought to believe, and what to reject. On the one hand, the accusers are personal enemies, or men actuated by the wildest and most implacable fanaticism ; on the other the trial of Mitchell disclosed, on the part of Lauderdale and his associates, a scene of prevarication and depravity which inclines the mind to give credit to whatever may be alleged to their prejudice. Mitchell, the reader will recollect, was the man who made the attempt on the life of archbishop Sharp. For some years he wandered through Holland and England : at length he returned to Edinburgh, married, and rented a small shop underneath the very lodging of that prelate. It happened one day that the eyes of Sharp met those of Mitchell ; he thought that he recognised the features of the assassin ; the object of his suspicion was apprehended, and on the person of the prisoner were found a small sword, and a pistol loaded with three bullets. At first he denied the charge ; but having, in a private conference, received from Rothes, the chancellor, a promise of life, he repeatedly acknowledged his guilt in presence of the council. When, however, he understood that it was still intended to punish him with the amputation of his hand and imprisonment for life, he revoked his confession ; and the council in return, by an act entered in their register, revoked their promise\*.

1674  
Feb.  
10.  
Mar.  
12.

\* " He did altogether refuse to adhere to his said confessions, notwithstanding he was told, . . . that if he would adhere, he should have the benefit of the said assurance, and, if otherways, he should lose the

The lord advocate accordingly indicted the prisoner; but whether it was that he distrusted the force of his proofs, or that he yielded to the desire of Sharp, who refused to prosecute unto death, he deserted the diet, and Mitchell remained three years a prisoner in the Bass. In 1677 he was again summoned before the council, interrogated as to his participation in the rising on the Pentland hills, and subjected to the torture of one leg in the boot\*. He persisted in his refusal to answer, and was again remanded. But the archbishop had to 1677. fear for his life from the fanaticism of others as well as Jan. of Mitchell. There were many, who believed that they 24. had a clear call from God to execute the justice of the Lord on the traitor, who for so many years had wrung his hands in the blood of the saints; "the Judas who "sold the kirk of Christ for an annual rent of 50,000 N - "marks†." It was probably to intimidate such religionists th to prosecu

confession before the council could not be withdrawn, because it was not extrajudicial, and that if any promise were made to induce the accused to confess, that promise must be fulfilled, because the benefit of the contract was not to be taken without payment of the consideration. The jury found, on his confession, that he was 10. guilty of the offence, and on the testimony of Lauderdale, the archbishop, the lord chancellor, and Hatton, that no assurance of life had been given. Mitchell received judgment, and died, justifying the attempt for 18.

"same. Therefore the lords commissioners . . . do declare that they are "free, and that the said Mr. James ought not to have the benefit of any "such promise or assurance." Act of Council in State Trials, vi. 1259.

\* The torture of the boot is thus described in two original letters in my possession. Sunt ocreæ hæ equulei generis crudelissimum, quo tibie hominis qui torquetur, acutissime restringuntur, quoadusque ad sanguinis et medullæ effusionem. 30 Jul. 1611—Crucifragiorum tortura, qua, ossibus confunctis, medullam a planta pedis exprimunt. 13 Jan. 1615.

† Russell, at the end of Kirkton, 415.

which he suffered, from the command of Moses to put to death the false prophet, who should turn the people from the worship of the Lord God \*.

This execution, instead of diffusing a salutary terror, acted as a stimulus to revenge. It taught the people to look on the four lords, who gave evidence on the trial, not only as persecutors, but as false witnesses, who had not hesitated to perjure themselves, that they might shed the blood of their victim. It is, indeed, impossible to doubt that a promise of life had been given. It was asserted by the sufferer with his last breath; it was recorded by lord Hatton in his private and confidential correspondence; it stood enregistered among the acts of the council; and yet the four lords positively swore that they knew nothing of any promise, or of any warrant for such promise. Did they by subtle and unmeaning evasions seek to silence their own consciences and impose on the good faith of the assize? Even on this hypothesis their conduct will deserve the execration of every honest man †.

The boldness assumed by the covenanters in the west, and the success with which they had resisted every attempt to suppress their meetings, provoked the council to adopt the most powerful means of reducing them to obedience. A committee of eleven persons was appointed to proceed to the refractory districts, accompanied by two thousand men, partly regulars and partly militia: there they were joined by six thousand highlanders under their respective chieftains; and, to be ready in case of rebellion, an English force was drawn towards the borders, and an Irish force was stationed opposite the western coast of Scotland. The commissioners called before them and punished delinquents, apprehended suspected persons, disarmed all the inhabitants but noble-

\* State Trials, vi. 1207 1262 Fountainhall, note to Kirkton, 384. 387. Wodrow, 375 512 514. 519 App. 195. 204. Ellis, Orig. Letters, series ii. vol. iv. 49 55 Burnet, ii. 125 132.

† See State Trials, 1258 1263. Burnet, ii. 299, note.

men, gentlemen of quality, and officers in the service of the crown, and summoned the heritors and feuars to subscribe bonds of conformity for themselves and their families. Multitudes, however, refused to obey: their contumacy was punished by an act of council requiring the recusants to give law-burrows, or legal security for keeping the peace; and, with a view to enforce submission, the troops were permitted to live at free-quarters, fines were imposed, property was distrained, and judgments of outlawry were published. The fierce and predatory habits of the highlanders had always been subjects of terror to the more civilised natives of the lowlands: but these formidable auxiliaries were soon dismissed; and in their place a permanent force of militia was distributed in numerous small garrisons through the disaffected counties. For its support a convention of estates granted an aid of 30,000*l.* sterling for three years, to be levied by monthly assessments, after the plan originally introduced under the commonwealth; and Lauderdale, having obtained the approbation of the king, exhorted the council to persevere in their exertions, and to subdue by force those whom they could not allure by conciliation \*.

The men of Fife on the eastern coast did not yield to their western brethren in attachment to the covenant: neither did they suffer less for their contumacy from the severity of the council. Among them was James Russell of Kettle, whose fanaticism had been inflamed by persecution, till he mistook the cravings of revenge for the "outlettings of the spirit." During a fortnight he spent much of his time in prayer; he felt that he was destined to render some extraordinary service to God; and he renewed his former engagements against papists and prelatists, and all other enemies of Christ. Under

\* Kirkton, 385—393. Wodrow, 460 463. 466, 467. 528 App. 171 208. Bunnet, ii 134. It is remarked by the editor of Kirkton, that, notwithstanding all the complaints made of the conduct of the highlanders, not one Whig lost his life by them. Kirkton, 391. The only blood spilt was spilt by the covenanters.

1679. the influence of these feelings he sought the company of  
 April similar enthusiasts : consultations were held to prevent  
 8. the extinction of the gospel ; and it was declared a duty  
 18. to put to death their chief adversaries, the archbishop of  
 22. St. Andrews, and Carmichel, commissioner from the  
 29. council, and commander of the forces. With this view  
 May nine of the brethren, having Hackstone of Rathillet for  
 2. their leader, undertook to surprise the latter while he  
 3. was enjoying his favourite amusement of hunting : but  
 a friendly voice admonished him of his danger, and by a  
 timely flight he escaped from the field to his garrison in  
 Cupar\*. The saints were employed in lamenting the  
 disappointment, when a boy, pointing to a carriage with  
 six horses at a distance, cried out, "there goes the  
 "bishop !" "Truly," they exclaimed, "this is of God :  
 "the Lord has delivered the wretch into our hands ; we  
 "must not go backwards, but execute the justice of God."  
 "Gentlemen," said Rathillet, "I am ready to venture  
 "all that I have for the interest of Christ : but I will  
 "not lead you to this action ; for I am the personal  
 "enemy of the bishop, and shall be accused of seeking  
 "revenge : but I will not prevent you from obeying the  
 "call of God, neither will I leave your company." "Then,  
 "sirs, follow me," exclaimed John Balfour, a most  
 desperate and barbarous enthusiast ; and instantly  
 mounting their horses, they crossed Magus-muir, in  
 pursuit of their victim†.

Their approach was soon announced to the prelate,  
 who, turning to his daughter Isabel, his only companion,  
 said, "the Lord have mercy on me, my dear child, for I  
 "am gone." The coachman lashed his horses to their  
 utmost speed : but the ruffians overtook them, discharged  
 their pistols into the carriage, wounded the postillion,

\* It is deposed also that at parting, when one of them kissed "Rob.  
 "Black's wife" (the meeting was in their house), "she prayed that God  
 "might bless and prosper them, and added these words, if Long Leslie (the  
 "minister at Ceres) be with him, lay him on the green also : to which the  
 "ruffian answered, holding up his hand, There is the hand that shall do  
 "it." Russ. 413 note.

† See Russell's own account at the end of Kirkton. 403—416,



and cut the traces. Sharp had received but a slight injury from the shot; and Russell at the door cried to him, "Judas, come forth." A short parley ensued. The prelate declared that he had wronged no man; he offered them money, and promised them a pardon: they replied, that they bore him no private malice, but God had imposed on them a duty which they dared not transgress; his time was come; he must make himself ready for death, judgment, and eternity. His daughter alighted with him; both fell on their knees, and the archbishop most piteously begged for mercy, if not for himself, at least for his poor child. Guillon, one of the number, but the meanest among them, was moved with pity: he cried, "spare those gray hairs," and solicited, but in vain, the interposition of Rathillet, who stood near, muffled in his cloak. Isabel was in no danger except from her efforts to save her father: the prelate offered his hand to one of the ruffians, who with a blow of his sword nearly severed it from the arm; and Balfour aimed a stroke at his head, which, though partly broken by the hat, inflicted a severe wound along the cheek. He fell on his face, and lay apparently dead: but, his daughter incautiously remarking that life was in him still, the words caught the ears of Russell, who was employed in rifling the carriage. The assassin immediately returned to the body, hacked the skull into fragments, and ordered the servants to take away their priest, and convey him to his home\*. It might have been expected that the perpetrators of the bloody deed would flee from the vengeance of the law: but they only withdrew to a neighbouring cottage, where they devoted several hours to prayer, first in common, and afterwards separately, and in private. They felt no fear, no compunction; their minds were

\* See the several accounts of this murder by authority, by the actors, by Russell, and by the archbishop's brother, in Wodrow, ii 22, 29, 30, 31. App. 8. Russell, 416, and 419—422, note, 483. Ralph, 458, note. "One of these hellish rascals cut my sister in the thumb, when she had him by the bridal, begging her father's life." Letter from William Sharp, May 10.

composed, their hearts enlarged ; they blessed their God, that his holy Spirit had led them step by step to the accomplishment of this glorious work, and solicited his grace and strength, that they might, if it were necessary, seal its truth with their blood, as became valiant soldiers of Christ. Nor were their prayers poured forth in vain : Danziel heard a supernatural voice saying, “ Well done, “ good and faithful servants ! ’ and from that moment till the hour of his death (it happened in the course of the month) the soul of the enthusiast was rapt in a transport of joy \*.

- May To discover the assassins the council offered the most  
 21. tempting rewards, and compelled all the inhabitants of  
 23. Fife to compear on stated days, and clear themselves  
 27. before their respective presbyteries. But the men  
 30. whom they sought had wound their way by a circuitous route into the west, and at Glasgow their leaders met  
 26. Hamilton, Cargill and Spreul. The two last were ministers of the most rigid notions and most daring fanaticism ; Hamilton was a young man of family, who had repeatedly exhorted his brethren to draw the sword in support of the gospel of Christ. According to appointment, on the 29th of May, the anniversary of the king’s restoration, they entered, to the number of sixty men in arms and on horseback, the little burgh of Rutherglen and extinguished the bonfires kindled in honour of the day. A sermon and prayer followed ; the several acts of parliament subversive of the liberties of the kirk were read by Hamilton, and committed with much solemnity to the flames ; and the copy of a declaration or testimony against them was left affixed to the cross in the market place †.
- June On the following Sunday they held a field conventicle  
 1. at Hairlaw, but the exercises of the day were interrupted by the approach of the celebrated Graham of Claverhouse with three troops of cavalry. The covenanters hastened

\* I repeat almost the very words of Russell himself, 422. 426.

† Wodrow, ii. 44. Russell, 437. 439.

to meet him at Drumclog, where a narrow slip of swampy ground divided the two parties. The dragoons, in their attempt to pass, fell into confusion: their opponents charged them with halberts and pitchforks; and Graham was compelled to make a precipitate retreat upon Glasgow. Of the military thirty men perished in the action, besides one, a prisoner, slain in cold blood by order of Hamilton, who had forbidden his followers to ask, or to give quarter. The conquerors lamented the loss of six of their brethren, but of no one with more sincere regret than of Danziel, the murderer, who cheered his last moments with the assured hope of an everlasting reward\*.

At Rutherglen the fanatics had thrown down the June  
gauntlet of defiance; at Drumclog they had won the 2.  
laurels of victory. By most men it was believed that the conflagration would rapidly spread to every quarter of the western counties. But no plan of operations had been arranged, and the leaders despised the counsels of worldly wisdom. God had called on them for their testimony against the enemies of the kirk. They had given it, and cheerfully left the consequences to him, who was able to save with a few as well as with many. Though the council, uncertain of the extent of the danger, had withdrawn the military towards Edinburgh, the insurgents moved not to any distance from Glasgow. Volunteers, indeed, continued to arrive, for many thought it a sin to remain idle at home, while their brethren ventured their lives in the field: but the accession of numbers added only to their weakness; the new comers differed in religious opinion from the victors at Drumclog; the time, instead of being devoted to preparations for the approaching contest, was consumed in useless but irritating controversy; and both ministers and

\* Wodrow, ii. 46. Russell, 441—446. " Russell spieired and said, Dear ' brother Will, ye many times told me ye was sure enough of heaven ; " have ye any doubts now ? He scarcely could speak, but said, No doubts, " but fully assured—fully assured." Ibid, 545.

leaders spent day after day in discussing the obligations of the covenant, the lawfulness of the indulgence, and the grounds on which it was proper to rest the justice of their cause. Never was insurrection so rashly commenced, or so weakly conducted\*.

- June In the meanwhile the duke of Monmouth, after many  
 18. objections made in council, arrived from London to take the command of the royal forces, and encamped with 5,000 men on Bothwell-muir within two miles of the  
 21. enemy. An attempt to negotiate was made by the more moderate among the covenanters. Hamilton would consent to no message unless its object were "to represent  
 "to the duke the king's, his own, and his associates'  
 "rebellion against God, and to desire him to lay down  
 22. "the weapons which he had taken up against the Lord  
 "and his people:" but a less offensive petition was composed by Welsh the minister, and presented by Hume and Murdoch, who received for answer that no proposals could be accepted from rebels in arms; if they would submit, they might expect mercy; but that one half hour only would be allowed for their final determination.

It seems to have been the object of Monmouth to spare the insurgents, whether he had received such instructions from the king, or followed the advice of his political friends, who certainly at a later period, perhaps even now, looked for aid from the discontented in Scotland. He refused to pass the Clyde by the ford at the foot of the Aven, where no guards had been placed, and whence he might have charged the enemy in the rear; nor did he attempt to cross by Bothwell bridge, till some hours after its defence had been abandoned by Rathillet through want, as it is said, of ammunition. The covenanters, drawn up on a neighbouring eminence, still continued to consume their time in theological controversy, but a discharge of cannon, which killed fifteen men, warned them of their danger; instantly they

\* Russell, 448 453—456.

turned their backs to flee; above four hundred fell during the pursuit, and twelve hundred yielded themselves prisoners of war, of whom, those who promised to live peaceably, were set at liberty: the others, about two hundred and seventy, were transported as slaves across the Atlantic. Rathillet with the men of Fife returned to their own county, whence after many perilous adventures most of them escaped by sea to Holland\*.

In England the fanaticism and adventures of the Scottish insurgents excited but little sensation. The attention of the public was absorbed by subjects of more immediate and commanding interest, the investigation of the pretended plot, and the punishment of the supposed conspirators. By order of the council, the two June  
jesuits Whitbread and Fenwick, who on their former trial had been illegally remanded to prison, were placed 13  
at the bar with three others, Harcourt, Gavan, and Turner; and against them was marshalled a host of formidable witnesses, Oates, Bedloe, Prance, and Dugdale, once steward to lord Aston, and now, on his dismissal from the service of that nobleman, a subordinate informer. Oates, indeed, could only repeat with a few embellishments his former story; but Bedloe felt himself at liberty to make additional disclosures; better cheer and more indulgent treatment had wonderfully improved the memory of Prance; and the situation which Dugdale held in the family of lord Aston was supposed to have supplied him with much secret and valuable information. The prisoners rested their defence chiefly on the utter worthlessness of their accusers, particularly of Bedloe and Oates. 1. Against the first they urged that, according to his own showing, he must have perjured himself on Whitbread's former trial; nor did he attempt to deny the charge, but pleaded in excuse

\* Russell, 465—482. Wodrow, ii. 62—67. Sydney's Letters, 95—99. The "Exact Relation published by authority" differs in several particulars from the preceding authorities. See also "A History of the Revolution at Drumclog," &c. by W. Aston, 1821.

that his prevarication at the time was necessary for the success of his intrigue with Reading; and this plea, as far as appears from the printed copy of the proceedings, was admitted as satisfactory by the court and jury. 2. They met the testimony of Oates by pointing out its variance in several points from his former depositions before the council, the two houses of parliament, and at the preceding trials in the court of King's bench: but the judges answered that they had not those depositions before them; the prisoners might have indicted him for perjury; and if they had omitted to do so, must abide by the consequences of such omission. 3. In answer to his assertion that on the 24th of April he had waited on the accused at their treasonable consult in London, they produced sixteen young men who deposed that they dined on that day in the same room with him at St. Omer, and that during the four preceding and the two following months he was never more than twenty-four hours absent from the college. To rebut this powerful attack on his veracity, Oates had provided six witnesses to swear that in the month of May they had at different times seen him in London, or some one like, or who bore his name\*; and it was argued that in judging of contradictory evidence more credit was due to men who were protestants, who spoke upon oath, and who were bound to deliver the truth, than to papists, unsworn, and accustom'd, so it was pretended, to obtain dispensations for the utterance of falsehood. 4. Again he had given the names of three persons, in whose company he crossed the sea to come to England. Of these, one deposed in open court that he never saw Oates during the voyage, and the servants of the other two, that their respective masters had not on any occasion in the months of April and May been a day absent from their places of abode on the continent. But the minds of men were still too highly excited to give due weight to such testimony: the voice of

\* On the credibility of these six witnesses, see North, 239, 240; and State Trials, x. 1189.

reason and innocence was stifled by passion and prejudice; the chief justice delivered his charge with his usual partiality, and the jury without hesitation returned a verdict of guilty\*.

The next evening the place of these unfortunate men was occupied by Langhorne, the celebrated catholic lawyer. His case presented an instance of extraordinary hardship. He had been committed to Newgate without any previous examination before a magistrate or the council; and, until the week preceding his trial, had been kept in solitary confinement, and in complete ignorance of every passing event: yet he was now called upon to plead for his life without any other knowledge of the facts to be charged against him in evidence, than what he could hastily collect from the printed narratives, and the reports of his friends. The moment he appeared, June 14 the crowd received him with hooting and hisses; his witnesses were abused, beaten, and intimidated; his objections to the credibility of the informers, and his remarks on the inconsistency of their evidence, were overruled by the court; and when the foreman of the jury pronounced the verdict of guilty, it was received by the audience with loud and repeated cheers. The other five were then ranged at the side of Langhorne; Jeffreys the recorder, pronounced on them judgment of death, and the hall resounded a second time with the acclamations of the spectators†.

The jesuits were the first who suffered. They were already tied to the gallows, and expected each moment

\* State Trials, vii. 311—418. Burnet, ii. 215.

† State Trials, vii. 417—490. Burnet, ii. 218. In the life of lord Guilford we are told in defence of the judges, "that the prejudice was so universal and so strong that, if an apostle had spoken against it, no impression would have taken place, nor had it done the prisoners any service." "but on the other side not only the rabble, but even the parliament itself, had flung at it. which consideration turned the scales of their discretion, and made those judges let a vessel drive which they could not stop, and reserve themselves for fairer opportunities. Again they said "that not they but the jury were judges of the fact, and therefore they "allowed Scroggs to do as he pleased." (Vol i. 327.) The falsehood of these pretences was proved by the next trial. Scroggs behaved with moderation, and the accused were acquitted.

June 20. to be launched into eternity, when their attention was awakened by cries of "a pardon, a pardon." A horseman rode up at full speed, and delivered to the sheriff a paper which proved to be a pardon on condition that "they should acknowledge the conspiracy, and lay open what they knew thereof." With thanks to the king they replied, that it was not in their power to fulfil the condition, because they could not disclose that of which they possessed no knowledge. The piety which they displayed, and the composure with which they resigned themselves to their fate, gave additional weight to this their last declaration\*.

Other arts were employed to shake the constancy of Langhorne. He received an offer of pardon, first, if he would confess himself guilty, and then, if he would make a discovery of the property of the jesuits, with which he had become acquainted in his professional capacity. To the last proposal he assented; his books were restored to him; and from them he extracted a statement, which was forwarded to the king. It is probable that the amount, a sum between 20,000*l.* and 30,000*l.* fell short of expectation. In a personal interview Shaftesbury informed him that this discovery was not thought of sufficient importance to redeem his life; he must in addition disclose the particulars of the plot, and in return for that disclosure he should receive any reward which he might ask. The honesty of Langhorne withstood the July 14. temptation, and he suffered the punishment of a traitor, asserting like the others his total ignorance of the conspiracy†.

\* State Trials, 490—451. Bunnet, ii. 217. Challoner, ii. 404. Three other jesuits, Mico, Nevil, and Bedingfield, died in prison; a fourth Jenison, perished in consequence of the injury which he received from the violence of the pursuivants.

† State Trials, vii. 501—530. Burnet, ii. 218. Oates and Bedloe afterwards charged the chief justice Scroggs before the council with having said at the assizes at Monmouth "that he did believe in his conscience" that Richard Langhorne, whom he condemned, died wrongfully, to the "great disparagement," &c. Scroggs replied, that he was more unsatisfied about Mr. Langhorne's case than all the rest, the more so that he was credibly informed that part of Bedloe's evidence, about Langhorne's writing in his presence, could not possibly be true. State Trials, viii. 172, 173.



Still the thirst for blood was not satisfied; and four other prisoners, sir George Wakeman the queen's physician, and Corker, Marshall, and Rumby, Benedictine monks, received notice of trial. They came, however, to the bar under more favourable circumstances than those who had preceded them. The testimony of the witnesses from St. Omer, and the protestations of the victims who had suffered, had shaken the credit of the plot; and even the chief justice himself had at last resolved to act the part of an indifferent judge. To the statement of the informers they opposed so many objections, drawn July 18. partly from the improbability of the information itself, partly from the contradictions with which it teemed, that both Oates and Bedloe, from being accusers, were reduced to the necessity of defending themselves from the imputation of perjury. The chief burthen lay upon the former, who displayed considerable ingenuity in the manner of qualifying his evidence, so as to elude the objections of his adversaries. Though his vexation occasionally betrayed itself in passionate and irreverent expressions, he maintained the contest without flinching, and in a tone of conscious superiority, till he was unexpectedly confronted with sir Philip Lloyd, clerk of the council, who deposed that, when the lord chancellor asked Oates if he knew anything personally of sir George Wakeman, he raised his hands to heaven, and protested before God that he did not; and yet that very morning he had charged him with several overt acts of treason, committed, as he said, in his own presence. This was a blow which he could not parry: feigning indisposition, he asked leave to withdraw, and the jury acquitted all the prisoners\*.

To the patrons of the plot, who were preparing for the trial of the lords in the Tower, such a result was as embarrassing as it had been unexpected. It became necessary not only to support the credit of the informers, but also to prevent the persons acquitted of coming for-

\* State Trials, vii 591—687.

ward to convict them of perjury. To effect the first of these objects, the chief justice was charged with manifest partiality in favour of the prisoners, and reports were circulated that he had received a valuable bribe from their friends; the second was accomplished by inducing Wakeman, through the menace of a second prosecution, to withdraw beyond the sea, and by committing the three monks to Newgate under a new charge of high treason, for having received orders in the church of Rome\*.

But the men accused of a participation in the plot were not the only victims sacrificed to the delusion of the people. It seemed as if there existed a design of wholly extirpating the catholic religion. Rewards were offered by proclamation of 10*l.* for the discovery of any papist or reputed papist within any one of the royal residences, of 50*l.* for the discovery of money or lands belonging to any priest, chapel, college, or religious order, and of 100*l.* for the discovery of any priest or jesuit; the magistrates received authority to visit and search the palace of St. James's at any time, and that of Somerset-house, whenever the queen should be absent; the judges were empowered to reward at their discretion the prosecutors of popish recusants out of the forfeitures of the sufferers, and lists of the catholics or suspected catholics in each county, which had previously been furnished to the committee of the house of commons, were delivered to commissioners with orders to tender to all such persons the oaths of allegiance and supremacy. Their zeal and cupidity were stimulated by reward, and the time of the judges during the circuit was chiefly employed in the prosecution of catholic priests or recusants. The latter paid the fine of 20*l.* per month for absence from church, or forfeited two-thirds of their estates to the king: of the former twenty-

\* State Trials, vii. 702 North, 185 Oates and Bedloe declared that they would never more give evidence in any court in which Serjoggs presided, and exhibited articles against him before the council. Echard, 988 The articles are in State Trials, viii. 163—174.

four received sentence of death for the exercise of their functions. Most of them after condemnation were sent to London to undergo the ordeal of a private examination before Shaftesbury, and his assistants Oates, Bedloe, and Dugdale. But their innocence was proof against the influence of threats and promises. Not one admitted any knowledge of the supposed conspiracy; not one could be seduced to lend his aid to the informers. The house of commons grew impatient under the delay. several of the members called aloud for their blood; and an address was presented to the king soliciting their immediate execution. The council remanded them to their former prisons: and having granted reprieves to some, abandoned the remainder to their fate. Pleasington suffered at Chester, Evans and Lloyd at Cardiff, Lewis at Usk, Postgate at York, Mahony at Ruthin, Johnson at Worcester, and Kemble at Hereford. Of these, two had passed their eightieth year\*.

In the council the ambition of the popular leaders had divided them into opposite parties. Shaftesbury, though aware of the king's aversion, still cherished the hope of acquiring the ascendancy through the influence of his disciple the duke of Monmouth, who had returned from his Scottish expedition, proud of his success against the insurgents, and of the title of highness with which he was addressed by his flatterers. But he saw that he had to contend with two powerful adversaries, Essex and Halifax; to their advice he attributed the late prorogation; nor did he hesitate to threaten them with the vengeance of parliament in the next session. At first they sought to mollify his resentment by admitting him

\* C Journ April 27, May 22. L Journ. xii 587 State Trials, vii. 715 726. 740 811 Kennet, 380, 381 391 Challoner, ii. 411—449 James, i. 560. "I thought the execution of the priests wholly unjust, without giving them public warning by proclamation to be gone, or to expect the penalties of the law within such a time, since the connivance had lasted now through three kings' reigns upon this point lord Fantax and I had so sharp a debate that he told me, if I would not consent in points which were so necessary for the people's satisfaction, he would tell every body I was a papist, affirming that the plot must be handled as if it were true, whether it was so or no." Temple, ii. 506.

and Monmouth to their secret meetings; but there was no trusting to his friendship, and they knew that his power in the house of commons was irresistible. They consulted Sunderland and Temple, and it was resolved to suggest the expediency of a dissolution. The advice met with the approbation of the king, who was well acquainted with Shaftesbury's intrigues, and with his intention of bringing forward new charges against the queen and the duke of York\*. For the sake of form July 10. the question was proposed in the council: but by some mismanagement the "king's friends" had not been apprised of the royal wish, and a decided majority had already pronounced against the measure, when Charles, taking advantage of an expression dropped by Temple, suddenly turned to the chancellor, and ordered him to prepare a proclamation for the dissolution of the present, and the calling of another parliament. This act of vigour struck his adherents with surprise: it threw the lords Shaftesbury and Russell into a paroxysm of "rage †."

In the mean while the duke of York bore with impatience his exile at Brussels. His dearest interests were at stake; and yet, instead of being on the spot to oppose the intrigues of his enemies, he was detained in a foreign land, and compelled to trust to the promises of a brother, whose easy wavering disposition had so frequently yielded to the united and reiterated efforts of his opponents. It was true that Essex and Halifax, the most influential of the royal advisers, professed themselves his friends: but their conversion was very recent, and they were friends only after a certain fashion: that is, as far as might suit their personal interests. They exhorted

\* Monmouth's cook had made oath that he heard a person desire Antonio, servant to the queen's confessor, to take care of the four Irishmen, who were to do the business. Antonio was accordingly committed for high treason. Moreover, a Venetian merchant asserted that sir Henry Tichbourne owned to him, that the object of his journey to Rome was to prosecute, by order of the duke, the design mentioned in the letters of cardinal Howard. James (*Memoirs*), i. 561.

† Temple, ii. 509—512.

the king to maintain the duke's right to the succession, because they knew that the success of Monmouth would infallibly lead to their own disgrace: but they sought to avoid the appearance of advocating the duke's cause, because they feared to share with him the dislike of the people. On every favourable occasion, at the prorogation, on the acquittal of Wakeman, at the dissolution of parliament, James renewed his solicitations for leave to return: but he received invariably the same answer, that the time was not yet come; that his presence would probably lead to insurrection; that he must wait till the public excitement, raised by the plot, had subsided. "Indeed," said Charles in one of his letters, "I should be very unwilling to have a question brought upon the stage, whether or no you should be secured. and you at the same time present, considering how easy it is to have false witnesses, till Oates and Bedloe have their due\*."

It chanced, however, that in August the king was confined to his bed by a violent fever. Monmouth was then at court in the zenith of his popularity: he held the office of commander-in-chief; and he had the face to solicit from the sick monarch an order for the duke of York not to remove from Brussels. His object under these circumstances could not be misunderstood. Essex and Halifax met Sunderland, Hyde, and Godolphin at the lodgings of the duchess of Portsmouth; and Charles by their advice despatched a message to James to return to England, but on condition that he should come on his own responsibility, and should go back to Brussels after the king's recovery. The duke lost not a moment: he travelled under a feigned name, reached Windsor in disguise, and was the first to announce his arrival to his brother. Charles, who was now in a state of convalescence, received him most affectionately, and the courtiers crowded round to offer their congratulations. Monmouth alone appeared awkward and embarrassed. On

\* James (Memoirs), i 556. 557. 559 561, 562.

the suggestion of Shaftesbury he rejected the proposal of a reconciliation with his uncle, and occasionally dropped menaces of vengeance against those counsellors who had advised the recall of the duke. By them, to save their popularity, it had been determined that James should immediately go back to Brussels; but at the same time the threats of Monmouth induced them to think of securing themselves from his resentment. For this purpose they called the attention of the king to the hard case of his brother, the presumptive heir to the crown, compelled to live in banishment without office or influence, while his intended competitor, who had no other claim than the interest of a factious party, resided in the capital, held the command of the army, and was always ready to seize, as opportunity might offer, the object of his ambition. Charles acknowledged the justice of the suggestion; and, sending for Monmouth, told him

Sept 12. that circumstances required him to resign his office of lord general, and to withdraw for a season to the continent. The young man betrayed in his answer a pettishness of disposition, and a feeling of disrespect, which offended the pride though it did not extinguish the affection, of his father but in the evening he met Shaftesbury, Montague, and the leaders of his party, who advised him to obey; for his banishment would raise him to the dignity of a martyr in the eyes of the people, and the parliament would not fail to demand justice for a prince, whose only crime was his attachment to the religion and liberties of his country\*.

24. With reluctance he yielded to their authority, and repaired to Holland, where he was coldly received by the prince of Orange, whose claim to the crown in the event of the exclusion of James, taught him to look upon Monmouth in the light of a rival. After dinner they walked together in the garden. Monmouth showed the prince a letter from the king promising that the time of his exile

\* James (Memoirs), i. 566 570 Temple, ii 513. 518. Burnet, ii 232. Dalrymple, 247. 249.

should be short, attributed his disgrace not to the jealousy of the duke of York, but to the arts of the duchess of Portsmouth, and of Essex, Halifax, and Sunderland, and solemnly declared that he never had cherished, never would cherish a thought of aspiring to the crown. They parted with mutual protestations of friendship, to which it is probable that neither gave the smallest credit\*.

It was evident that considerable inconvenience might arise if, at the king's death, the heir to the crown were resident in a foreign country, and under the control of a foreign prince. This was represented with so much force by secretary Coventry, that the duke received permission to exchange the place of his exile for the capital of Scotland. He returned to Brussels, for the ostensible purpose of conducting his wife and family to Edinburgh, and his intention of residing in that country was announced by authority in the Gazette: but instead of sailing from Holland to Leith, he anchored in the Downs, and requested permission of his brother to remain in England. He had been secretly informed that Charles had no objection; but Essex and Halifax were inexorable; instead of the answer which he expected, he received an invitation to court, and after a short visit proceeded on his voyage. At Edinburgh he was received with the respect due to his rank, and took his place in the council, but carefully abstained from all connexion with either of the parties which divided that kingdom†.

It had been ascertained that the general result of the elections was unfavourable to the court; and Shaftesbury waited anxiously for the meeting of the new parliament, in which he promised himself an easy victory over his political opponents. But it was equally the interest of the king and the two confidential ministers to defeat his designs‡. To deprive him of the means of

\* D'Avaux, i 24 32. 34

† James (Memoirs), i 571. 575. 580. Dalrymple, 250 Gazette, 1449.

‡ The name by which he was designated in the correspondence of the

- annoyance which he derived from his office of president of the council, he was unexpectedly superseded by lord Oct. Robartes, lately created earl of Radnor; and to extinguish his hopes from the superiority of his party in the 15. lower house, the king in council, without any previous notice, ordered the chancellor to prepare a commission for the prorogation of parliament during the long space of twelve months. At this announcement the members gazed on each other with signs of astonishment; some rose to speak, but Charles commanded silence; he had foreseen and weighed every objection, had taken his resolution, and would be obeyed. No one ventured to remonstrate; and on the very day appointed for the 17. opening of the session, the parliament was prorogued for a few weeks, and afterwards by repeated commissions for a full year\*.

- The real motive of the king, which was unknown to the council, may be discovered in a secret intrigue between him and the French ambassador. A little before June 24 the dissolution in July, Charles had applied to that minister for relief from the pecuniary embarrassments with which he saw himself threatened. Louis was, indeed, offended at his past conduct: but he did not allow his resentment to stand in the way of his interests. He accepted the apology of his English brother: he even listened to his proposals; but at the same time affected to set no great value on any services which could then be rendered to him by the English crown. It was to quicken his tardiness that Charles summoned a new parliament when he dissolved the old one. The Oct. negotiation then proceeded more rapidly: it was at last 17. agreed that the king should receive from France a pen-

royal brothers was "Little Sincerity," the first of which words alluded to his person, the other to his professions of a virtue for which they gave him no credit. Charles said of him that "he had nourished a snake in his bosom, that Shaftesbury began to play the devil, and could no longer be suffered." James (*Memoirs*), i. 563.

\* Temple, ii. 521. *L. Journals*, xii. 597 609. Bulstrode, 304. The reason why short prorogations were preferred may be seen in the life of James (*Memoirs*), 585, 586.



sion of 1,000,000 of livres during three years; and it was under these circumstances that Charles, being no longer at a loss for money, prorogued the parliament. It chanced, however, that the treaty was not yet signed, and Louis grasped at the opportunity to append to it new and more humiliating conditions. The pride of the king revolted; James advised him to substitute in lieu of the French pension a system of the most rigorous economy; and Charles following his counsel, not only Nov. rejected the conditions, but refused to listen to Barillon, 25. when he proposed to resume the negotiation\*.

That minister, in his despatches to his sovereign, Dec. affected to make light of the disappointment. He had 4. a party in parliament sufficiently powerful to prevent any grant of money to the king, or any accommodation between the opposition and the government†. To secure the fidelity of that party, he was careful to remunerate the services of those who had given him their aid during the last session. The army had been disbanded; the lord treasurer had fallen; they had gained a right to the rewards which had previously been promised. To the duke of Buckingham he paid the sum of 1,000 guineas; and another sum of 2,500 guineas he distributed in equal portions among Baber, Sydney, Harbord, Lyttleton and Powle. Montague demanded 100,000 crowns, according to the terms of the contract. The ambassador rejected his claim. Danby was, indeed, in prison; but his trial had not taken place; it remained yet to be seen whether the lord treasurer were ruined or not. Montague, on the other hand, complained of such chicanery; he pretended that, to purchase the votes of those who supported him in the house of commons, he had mortgaged the larger portion of the money; and at last, by dint of importunity, obtained 50,000 crowns, one half of his demand‡.

\* Dalrymple, 229. 230. 233. 244. 254. 255. James (Memoirs), i. 564.

† Barillon, 5 Dec. in Mazure, i. 261.

‡ Dalrymple, 252. 253. 314. From Baillon's despatch it appears that

Henceforth, that the reader may form a distinct notion of the events which occurred between the prorogation in October 1679 and the meeting of parliament in October 1680, it will be convenient to arrange them under two heads, of which the first will comprehend the struggles of the two political parties to acquire the ascendancy, the other the discoveries and prosecutions which continued to grow out of that fruitful stock of imposture and injustice, the fictitious narrative of Titus Oates.

I. Shaftesbury and his associates resolved to keep alive the fears and jealousies of the people, and to harass and intimidate the king. 1. On the 17th of November, the anniversary of the accession of queen Elizabeth, a most extraordinary pageant, calculated to make a deep impression on the minds of the populace, was exhibited at the expense, and under the superintendence, of the green ribbon club. First appeared the bellman walking with slow and solemn pace, and exclaiming at intervals, "remember Mr. justice Godfrey:" next came a man dressed in the habit of a jesuit, bearing on horseback the figure of a dead body; then followed representations of nuns, monks, priests, catholic bishops in copes and mitres, protestant bishops in lawn sleeves, six cardinals with their caps, and last of all the pope in a litter, accompanied by his arch-counsellor the devil. In this state the procession set out from Moorgate in the dusk of the evening, amidst the glare of several thousand flambeaux; perambulated the city in the presence of two hundred thousand spectators, swearing eternal hatred to the principles of popery, and calling for vengeance on the heads of the papists; and at last halted at Temple-bar in front of the King's Arms tavern. The clubbists instantly appeared at the balconies; fire works

Buckingham demanded 20,000 crowns; that Baber avoit été fort utile en beaucoup d'occasions, et l'avoit averti à tems de ce qui se passoit dans les différentes cabales; qu'il avoit une étroite liaison avec Lyttleton—qu'il avoit conservé une correspondance particulière avec le sieur Powle, que le sieur Harbord avoit beaucoup agi dans l'affaire du grand Trésorier, et que M. de Sidney avoit été d'une grande utilité en bien des occasions. *Ibid.* 256, 257.

were exhibited ; and, at a given signal, the pope and his attendants were precipitated into the flames with a tremendous shout, "the echo of which," it is observed in the official account published by the party, "reached by continued reverberations to Scotland, and France, and Rome itself, damping them all with dreadful astonishment." The effect of the exhibition answered the hopes of its authors : and it was repeated with variations in the two succeeding years : but in 1682 Charles recovered the government of the capital, and put down the nuisance\*.

2. Within eight days after this pageant the duke of Monmouth returned to England. Shaftesbury had sent for him under the pretext that the time of his exile was determined by that of the duke of York : James had obtained permission to reside within the king's dominions, Monmouth had a right to the same benefit. He Nov entered London at midnight ; but the watch announced 27. his arrival ; the bells were rung, and bonfires kindled. Charles resented deeply the disobedience of his son and the manner of his reception. He ordered him to quit the kingdom immediately, under the penalty of perpetual exclusion from the royal presence ; he rejected the petitions of the duchess and of her friends ; and he deprived Monmouth (but successively, and after short intervals, that he might have time for repentance) of his several offices of captain of the guards, of lord lieutenant of Staffordshire and of the north riding of Yorkshire, of governor of Hull, and of master of the horse. Still the young man set at defiance the displeasure of his father, and pretended to justify his obstinacy under the plea of filial piety. His presence, he said, was necessary. He would either preserve the king's life from the daggers of the papists, or revenge his death, if he should fall by their treason†.

\* See "London's Defiance to Rome." Ralph, 484 ; also North, 571. 575. Echard, 985.

† James, i 578, 582. Evelyn, iii. 20. Bulstrode, 310. Kennet, 378.

3. At the same time, to prepare the public mind for the future pretensions of Monmouth, was printed and circulated a most seditious libel, under the title of "an appeal from the country to the city for the preservation of his majesty's person, liberty, property, and religion." The writer called on the citizens to ascend the monument, to contemplate from its summit the magnificent scene which lay at their feet, and then to imagine that they beheld their houses in flames, their children and neighbours massacred, their wives and daughters violated, and their ministers and teachers tortured by the papists. Let them not be deceived: this imaginary spectacle would be infallibly realised on the succession of a popish monarch. Their present safety could last no longer than the life of the king, who (such was the benevolence of his disposition) gave no credit to the plot, and thus exposed himself to the daggers of the assassins. It was therefore time to prepare for the approaching crisis, to select a man who should lead them against French invaders and popish rebels. That man was the duke of Monmouth, eminently qualified for command by his birth, his conduct, and his courage. Let the citizens stand by him, and he would stand by them. His fortune was united with theirs. Nor should they forget that "the worst title makes the best king," because, what the prince wants in right, he must supply by concession\*.

4. Another expedient suggested by the fertile brain of Shaftesbury, was to petition that the parliament might be permitted to sit at the end of the first short prorogation. With this view the kingdom was parceled out into districts, to each of which particular agents were assigned. They informed the people that, if the king were permitted to govern without a parliament, the ascendancy of popery, and the establishment of despotism, would inevitably follow; and for the prevention of these evils

\* State Tracts in the reign of Charles II., vol. ii. 491. Parl. Hist. 17. App. xev

they solicited subscriptions to the petitions with which they had been furnished from the head committee in London \*. Some of the grand juries set the example ; the common council followed : and most of the counties and populous towns hastened to tread in the footsteps of the capital. The king at first returned for answer, that it was *his* province, and not that of the petitioners, to judge of the proper time for the sitting of parliament : but his patience was gradually exhausted, and his alarm daily excited. He sought in vain to escape from the approach of the petitioners—they way-laid him wherever he went, and thrust their papers into his hands at the most unseasonable times and places—nor could he foresee the consequences of the extraordinary ferment which prevailed in every part of the kingdom, conjoined, as it was, with the pretensions of Monmouth and the boldness of his partisans. To provide against insurrection he furnished Portsmouth, Sheerness, Hull, and other fortresses with trusty garrisons, and to free himself from annoyance he sent for the lord mayor and aldermen, to whom in the royal presence, the chancellor explained, what he termed the law on the subject of petitions, with a strict injunction that they should see it enforced †. The next day a proclamation was addressed to all Dec. magistrates throughout the kingdom. It is remark- 10  
able that this instrument did not deny the right of 11.  
petitioning, nor pretend that the sitting of parliament was an improper or illegal subject. It attached itself

\* From North's account it appears that the art of getting up petitions arrived at perfection in its very infancy. The agents traversed the districts allotted to them, procuring the signatures of those who could write, and "the hieroglyphics of clowns;" adding in many cases the names of the absent, or of persons not in existence. When the petitions had been returned to the committee in London, the "headrolls were cut off, and glued "in succession to each other," and the whole collection attached to one form of petition similar to that which had been sent into the country North, 342.

† This explanation consisted of the resolutions of the judges in the second year of James I. and the provisions of two acts in the reign of Charles II. Somers' Tracts, viii 122—129. It would, however, require no small portion of ingenuity to show that either the resolutions or the statutes were at all applicable to the petitions in question

solely to the manner of procuring signatures, and threatened with the utmost rigour of punishment all who should subscribe their own names, or procure the subscriptions of others contrary to the common and known laws of the land. A more unmeaning document could not have been published, and yet it produced an effect which its framers had never anticipated. It turned the popular current into the opposite direction. Numbers, who from the similarity of the late proceedings to those of the year 1641 had foretold a second revolution, were awakened by it from their apathy; the cavaliers and the churchmen, the majority of the gentry and of the merchants, suddenly came forward; and multitudes in every quarter crowded to subscribe addresses to the king, expressing in the most forcible terms their reliance on his wisdom, and their abhorrence of the practices of the petitioners. Westminster set the example; Essex, Middlesex, Surrey, Somerset, Shropshire, and Norfolk followed; and the last county ventured even to offer thanks to the king for the recall of the heir apparent from Flanders\*.

By Charles these addresses were received with joy and gratitude. They dispelled the doubt and apprehension which hung over his mind; they convinced him that he still retained a strong hold on the affections of his subjects, and they encouraged him to adopt a measure as unexpected by his friends as it was by his

\* North, 342. James, i. 581. Bulstrode, 310. Macpherson, i. 100. Here it may be observed that the licensing act, an act which was incompatible with the liberty of the press, had not been renewed in the last session of parliament, and therefore expired of course at the prorogation on the 27th of May, 1679. Authors and printers hastened to avail themselves of their freedom, and publications of every description were poured without intermission from the press. The judges, however, undertook to check what they considered an evil. They resolved, without a dissentient voice, that not only books reflecting scandalously on the government and private persons may be seized, and the authors and publishers punished, but that no man could lawfully print and publish books of news without authority, and that whoever did so, was answerable for the falsehoods contained therein. *State Trials*, vii. 929, 1127; viii. 187, 198. In conformity with this resolution, the printing of news without licence was prohibited. See *Gazette*, May 17, 1680.

opponents. Entering the council chamber, he stated 1680  
 that he had derived little benefit from the absence of his Jan.  
 brother; that he could not understand the justice of 28.  
 taking from a prince, whose rights were assailed, the  
 opportunity of defending them in his place in parliament;  
 and that he had therefore ordered the duke of York to  
 quit Edinburgh, and to return to his former residence at  
 St. James's. This declaration revealed to the lords  
 Russell and Cavendish, and to Capel and Powle, the  
 degraded situation to which they had been insensibly  
 reduced. When they accepted seats in the council, they  
 probably cherished the hope of gaining the ascendancy  
 through the easy disposition of the king, and the prepon-  
 derance of their party in the two houses. But time had  
 dispelled the delusion. The parliament was not per-  
 mitted to sit; Shaftesbury, their leader, had been dis-  
 missed; they themselves were no more than nominal  
 counsellors; their presence served only to give a sanction  
 to measures which they never advised, and which, had  
 the opportunity been given, they would have strenuously Jan.  
 opposed. They tendered their resignation, and Charles 31.  
 replied that he accepted it "with all his heart\*."

In a short time the duke of York returned to the  
 capital, and had reason to be gratified with his reception.  
 The recorder presented to him a congratulatory address Feb.  
 in the name of the city; a sumptuous entertainment 24  
 was given to the royal brothers by the lord mayor; and  
 a general illumination testified the public joy at his  
 presence. To check these demonstrations of reviving  
 attachment in the people, his enemies began to circulate  
 new rumours respecting the king's pretended marriage  
 with the mother of Monmouth. It was said that the  
 witnesses of the ceremony were still alive; that the  
 contract itself, enclosed in a black box, had been entrusted  
 by the late bishop of Durham to the custody of his son-  
 in-law sir Gilbert Gerard; and that several persons were

\* Kennet, 379. James (*Memoirs*), i. 587. Macpherson, 101.  
 VOL. XII.

ready to depose that they had both seen and perused the important document. By order of Charles every individual named in these reports was sent for, and interrogated before the council, and each disclaimed all knowledge whatsoever of the box, the contract, or the marriage.

April In conclusion two royal declarations were published in  
20 the Gazette, in which the king related all these particulars, repeated the deposition which he had formerly subscribed, and to silence the cavillers against it, called  
June 8. God to witness that he had never been married to Lucy Barlow, or to any other woman besides the queen\*.

5. To parry this blow, the earl of Shaftesbury, on the 26th of June, proceeded to Westminster hall in company  
16 with the earl of Huntingdon, the lord Grey of Werke, the lord Gerard of Brandon, the lords Russell and Cavendish, nine commoners, and the arch informer, Titus Oates. Being admitted before the grand jury, he described to them the dangers to be apprehended from the possession of the post-office in fee by the duke of York, and the benefit to be derived from the forfeiture of two-thirds of his estate according to the popery laws; offered six reasons why they should look upon him as a papist, and present him for a recusant; and in addition advised them to indict the duchess of Portsmouth as a national nuisance. The last part was intended only to excite alarm in the king's mistress; and the object of the first part was defeated by the address of the judges, who discharged the jury, while a portion of their number was closeted in private consultation with Shaftesbury.  
Nov. In the next term the attempt was renewed; and the  
29. duke, on the oath of Oates that he had seen that prince receive the sacrament at mass, was presented as a recusant at the Old Bailey; but advantage was taken of some irregularity in the proceedings, and the cause was

\* James, i 589 Macpherson, i 101. London Gazette, 1507-1520. To these solemn appeals of the king it was answered by his advisers that, if the eye and tear of God could not restrain him from living in adultery, it could not be expected that they should restrain him from swearing falsely. Somers' Tracts, viii 197-208 with sir Walter Scott's notes.



removed by writ of certiorari into the court of King's Bench\*.

It was during this period that the appellations of Whig and Tory became permanently affixed to the two great political parties which for a century and a half have divided the nation. The first had long before been given to the covenanters in the west of Scotland, and was supposed to convey a charge of seditious and anti-monarchical principles. The second originally designated those natives of Ireland who, having been deprived of the estates of their ancestors, supported themselves by depredations on the English settlers; and was now employed in conversation to intimate a secret leaning towards popery and despotism. Hence the *abhorrrers* branded the *petitioners* with the name of Whigs; and the petitioners in revenge bestowed on their opponents the name of Tories. But in a short time Whig and Tory ceased to be terms of reproach; they were cheerfully adopted by the parties themselves, and became hallowed in their estimation as indicative of the political principles which they respectively professed to cherish and uphold†.

II. To pursue the "Popish plot" through its successive ramifications, would be to impose an unskome task on the feelings and patience of the reader. But out of the new informers, who daily grafted their own discoveries on the original narrative of Oates, two will claim his attention, not so much on account of their superior infamy, as of the purpose to which their evidence was subsequently applied. 1. The first was named Dangerfield, a young man of handsome person and of creditable acquirements, but who, in the course of a few years, had run through a long career of guilt. In different places and for different crimes, he had been condemned to fine and imprisonment, had suffered the punishments of whipping and being burnt in the hand, had stood in the pillory, and had been repeatedly outlawed. Mrs. Cellier,

\* State Trials, viii. 179. C Journ. Dec 23, 1680. James (Memoirs), i. 666. Ralph, i. 504, note.

† See Vol. x. 369, note. Vol. xi. 303

a catholic midwife of eminence, who collected alms for the relief of the prisoners, found him among the debtors in Newgate, and received from him a petition for pecuniary assistance, with a promise that he would in return purloin the papers of Stroud, a fellow captive, supposed to have been suborned by Shaftesbury as a witness against the lords in the Tower. She satisfied his creditors, and on his discharge employed him to collect certain 1679, June  
6. moneys due to her husband. In this occupation he pretended that, by visiting the different coffee-houses, he had discovered the existence of a most dangerous conspiracy. Cellier, through the agency of lady Powis, introduced him to the earl of Peterborough, and Peterborough to the duke of York, to whom he declared that, during the king's indisposition, the principal presbyterians had conspired to raise an army, and seize on the government; that the design, though frustrated for the moment by the king's recovery, was not yet abandoned; and that the paper which he then delivered to his royal highness, would show that commissions had already been distributed, and the plan of a revolution in the government had actually been arranged. James heard him with jealousy and reserve. He gave him indeed twenty guineas as a reward for his good will; but transferred him with his document to the king, who, having ordered him an additional present of forty guineas, commissioned secretary Coventry to watch his conduct, and investigate the truth or falsehood of his story. Coventry thought it unworthy of credit. He gave him back his paper, and demanded something more satisfactory: but Dangerfield could produce nothing besides two letters written by Bulstrode, the envoy at Brussels, to the earl of Shaftesbury. The letters were on indifferent matters; but that they should be in the possession of Dangerfield was very extraordinary. The king grew uneasy: there was, he declared, some dark and mysterious plot in agitation\*.

\* Dangerfield in his "Particular Narrative" (p. 39) says that he waited on Lord Shaftesbury to kill him at the suggestion of the papists, and being left alone for some time took the opportunity of stealing these letters.

A few days later, in consequence of an information Oct.  
 laid by Dangerfield, the revenue officers searched the lodgings of colonel Mansel, the quarter-master of the  
 supposed presbyterian army, and instead of a prize of 20  
 foreign lace which had been promised them, discovered  
 a bundle of treasonable papers concealed behind the bed.  
 That these papers were forgeries appeared on the first 23.  
 inspection; Mansel traced the contrivance to Danger-  
 field; and the council committed him to Newgate. In 27  
 prison he appeared to be agitated with the most violent 31.  
 remorse. He acknowledged that, at the instigation of  
 Lady Powis and Mrs. Cellier, he had been engaged in a  
 sham plot for the purpose of covering a real one: the  
 presbyterians were innocent, the papists guilty: lord  
 Arundell had offered him 2000*l.* as a reward for the  
 murder of the king—that bribe he had the virtue to  
 refuse—then lord Powis offered him 500*l.* to assassinate  
 the earl of Shaftesbury—he yielded to the temptation:  
 but twice his heart failed him, and lord Peterborough  
 reproached him with cowardice. In conclusion, as a  
 proof of the sincerity of his repentance, he declared that  
 the original of the notes shown by him to the king, the  
 document on which the sham plot was to have been  
 founded, lay concealed in a meal-tub in the house of  
 Mrs. Cellier. There the paper was accordingly dis-  
 covered; and thence, the whole transaction is known in  
 history by the name of the meal tub plot.

In consequence of these disclosures lady Powis was  
 committed to the Tower, but escaped the danger of a  
 trial, the bill against her being ignored by the grand  
 jury of Middlesex. Mrs. Cellier was imprisoned in Nov.  
 Newgate, where Shaftesbury, sir William Waller, and 1  
 Dangerfield himself, solicited her to turn informer: but 1680.  
 her resolution set them at defiance; and, on her trial, she  
 satisfied the court, that her accuser was too infamous in May  
 law to be admitted as a credible witness\*. Her ac- June  
 11.

\* Dangerfield having published his narrative, Mrs. Cellier, who as a writer was more than a match for him, published a vindication of herself,

quittal induced the attorney-general to postpone for a few days the trial of lord Castlemaine, who had been charged with high treason; and in the interval another pardon—the first had not included felony, burglary, or forgery by name—was granted to Dangerfield, that he might be brought forward as a second witness in support of the evidence of Titus Oates against that nobleman. But no pardon could remove the stigma which had been impressed on his character by sixteen convictions in different courts; the jury refused to give credit to his oath, and lord Castlemaine also obtained an acquittal\*. The informer, however, was not abandoned by his patrons: they kept him in reserve till the meeting of parliament; and hoped to influence by his testimony, infamous and degraded as he was, the deliberations both of the lords and commons.

June  
23.

The mystery which covered the meal-tub plot has never been completely developed. There were many, who believed that the catholics, indignant at the unjust persecution which they suffered, sought to retaliate on their accusers by forgeries similar to those which had been employed against themselves. Others looked on Dangerfield as the mere tool of Oates; and that the real object of both was to inveigle some catholics into an attempt to fix a pretended plot on the presbyterians, that, by denouncing them, they might prop up the

with an account of her trial, under the title of "Mance Defeated; or a Brief Relation of the Accusation and Deliverance of Elizabeth Celler." Some passages in this tract, respecting the treatment of the prisoners in Newgate by Captain Richardson, the jailer, exposed her to a second trial (Sept. 13) for a libel. She was found guilty, and condemned to pay a fine to the king of 1000*l*. and to stand three in the pillory. *State Trials*, vii. 1183—1218. She had been an important witness at the trial of lord Castlemaine, and we are told by North that the real object of the second prosecution was to disable her from becoming a witness also in favour of the lords in the Tower. North, 2*cl*.

\* *State Trials*, vii. 1017, and lord Castlemaine's manifesto, who bitterly complains that in the printed reports of his own and of the other trials respecting the popish plot, great partiality to the informers is shown by the publishers, and much injury done to the cause of the accused. P. 39.—From his statement it appears that a person committed to the Tower, if he was a peer of England or Ireland, paid in fees 100*l*. to the lieutenant, 10*l*. to the gentleman porter, and 5*l*. to the gentleman jailer. See his *Manif.* 163.

declining credit of the original imposture. But the king was convinced that his real instigators, whoever they might be, aimed at a higher quarry; that they sought to draw the duke of York into some practice which might add fuel to the popular prejudice against him, and minister additional arguments in favour of the bill of exclusion. The use which was afterwards made of Dangerfield seems to confirm this conjecture\*.

2. A short notice may suffice for Bolron, from whom was derived the Yorkshire branch of the plot. He had been the manager of sir Thomas Gascoign's coal pits, had made free with the money of his employer, and had been threatened with a prosecution for felony by lady Tempest, the daughter of sir Thomas. In his alarm he sought to shelter himself under the mantle of an in-<sup>1679.</sup> June former: but the county magistrates, before whom he laid his information, convinced by their personal knowledge of its falsehood, refused to grant the warrant which he demanded. Bolron hastened to London, made a second and more ample deposition before the earl of Shaftesbury, and subsequently added a third, which supplied the deficiencies, and reconciled the inconsistencies of the preceding. From London the informer was sent back to Yorkshire to procure a second witness, whom he found in Mowbray, a servant lately discharged from the family on suspicion of theft. Sir Thomas Gascoign, who was in his eighty-fifth year, was tried at Westminster before a jury of Yorkshire gentlemen. The two witnesses deposed that he, his son Thomas, his daughter lady Tempest, his nephew Mr. Thwinge, sir Miles Stapleton, Mr. Ingleby, and some others, had subscribed money towards the assassination of the king, and the propagation of the catholic faith, and that they them-<sup>Aug 16.</sup> <sup>1680.</sup> Jan. 24.

\* For this account of the meal tub plot, I must refer my readers to the notes of the chief justice North, written at the time (North, 265), to Dangerfield's "Particular Narrative" in 1679, Cellier's "Malice Defeated" in 1680, Dangerfield's Answer to a certain scandalous, lying Pamphlet, "entitled, Malice Defeated," 1680, Cellier's rejoinder of "Matchless a Rogue," 1680, the Lords' Journals, xiii. 667, Castlemaine's Manifesto, 1681, and State Trials, vii. 1043—1112.

selves had been initiated in the conspiracy by taking what the informers called "the papists' bloody oath of secrecy." For the defence it was proved by the prisoner's solicitor, that Bolron never made any charge against his master till he had been threatened with a prosecution; by the two magistrates that his deposition before them bore very little resemblance to his evidence in its present improved form: and by a host of unimpeachable witnesses, that neither he nor his associate Mowbray had any claim from their previous character to the belief of the court. The old man was acquitted; and the other cases were sent back to be tried in the county. Lady Tempest proved equally fortunate with her father, but a third jury convicted Thwinge, while a fourth acquitted Ingleby, and a fifth sir Miles Stapleton\*. It was evident that if the others were innocent, Thwinge could not be guilty; and the king, under this conviction, granted him a reprieve: but the ministers dared not face the house of commons, as long as a single individual under condemnation for the plot remained alive, and on the day after the meeting of parliament, in consequence of their remonstrances, Thwinge suffered at York the death of a traitor†.

The summer passed away amid the hostile preparations of the two parties. The king (satiety had now blunted his appetite for pleasure) spent his time in privacy at Windsor: and, as if he had no subject of disquietude on his mind, amused himself with angling, walking in the park, and superintending the improvements in the castle and the adjoining grounds‡. But

\* State Trials, vii 939—1043 The narrative of Lawrence Mowbray, of Leeds, Gent 1680 The Narrative of Robert Bolron of Shupponhall Gent 1680.

† Low as the credit of Bolron was sunk, he was again brought forward, and made to publish, with permission of the house of commons, a most infamous forgery entitled, "The Papists' Bloody Oath of Secrecy, and "Litany of Intercession," 1680 See the tract and the journals of Dec 16, 1680 The publication was well-timed; it took place in the interval between the condemnation and the execution of lord Stafford.

‡ "Certain," says Keresby, "it is, that he was much better pleased "with retirement than the hurry of the gay and busy world." Keresby, 100.

James was more anxiously employed. He watched with solicitude the intrigues of the party, and laboured to impress on the royal mind a persuasion, that the real object of his enemies was the subversion of the monarchy, and the re-establishment of the commonwealth. He observed that many of them were men, who, having acquired power and influence in the revolution, still cherished, under the mask of patriotism, their former principles; that they put forward the safety of religion, as they had done during the rebellion, for the sole purpose of inflaming the people; that they had begun with the bill of exclusion to make the monarchy elective; and that, when they had accomplished that object, they might, indeed, gratify Charles with the title and the revenue of a king, but would reduce him in point of power to a level with the doge of Venice\*. There is no doubt that James was correct, as far as regarded the views of Algernon Sydney, and his confidential friends†; but the majority of those, who advocated the bill of exclusion, were not unwilling to perpetuate the monarchy, though their leaders sought to strip it of many powers which it still possessed, and which they deemed inconsistent with the rights of the people. But if James were removed from the succession, whom did they intend to substitute in his place? They were divided between the two competitors, the prince of Orange in right of his wife, the eldest daughter of James, and the duke of Monmouth, as the son of the king. That the ambition of the former was not insensible to the splendid prize which fortune seemed to offer him, is certain; and much has transpired to provoke a suspicion that he secretly promoted the plan of exclusion. With this intention Van Lewen was sent to England, in quality of envoy

\* James (Memoirs), i. 595 598 613, 614 632. Dalrymple, 266.

† James (Memoirs), 635. Dalrymple, 257 282, 312. D'Yvaux i. 9. Barillon describes Penn. le chef des trembleurs, as united with Sydney, and à la tête d'un fort grand parti. Dalrymple, 282. See also Penn's letters on election matters to Sydney, in the Sydney Papers, i. Memoir, pp. 154, 155, and Mrs. Cellier's examination, *Malice Defeated* 31.

from the States, but with instructions to press on the mind of the king the necessity of preserving a good understanding between him and the parliament. Frimans followed Van Lewen in a private capacity, but for the purpose of treating clandestinely with the leaders of the country party. Among the ministers Godolphin and Sunderland, both high in the royal confidence, were already won to his interest, and Hyde, though devoted to James through gratitude and attachment, felt no inclination to oppose the cause of his niece, the princess of Orange\*. The hopes of Monmouth rested on the yet unextinguished affection of the king, who in a private interview had forgiven his past conduct, and on the assurances of support from Shaltesbury, from Montague, and perhaps from their intimate associate, lord Russell. Of himself he put forth no pretensions: he had nothing in view but the common welfare of the nation. Laying aside all political engagements, and assuming the appearance of a man of pleasure, he made a tour of the kingdom, and visited the most celebrated fairs, races, and assemblies of amusement. His friends, however, were careful to announce his coming beforehand, to sound forth his praises and pretensions, and to collect multitudes to greet his arrival. On one occasion, when he visited sir William Portman, near Taunton, he is said to have been met by twenty thousand persons; and afterwards, when he accepted an invitation to dine with the city, it was observed that the royal arms were emblazoned on his carriage, without the bar, the heraldic token of illegitimate birth†.

June  
10.

In June Charles had concluded a treaty with the king of Spain, by which the contracting parties had engaged to maintain the peace of Nimeguen, and to aid each other with their whole force in the case of aggression on any part of their respective dominions in Europe‡. This treaty had been devised by the prince of Orange, to curb

\* D'Avaux, i. 34. 43. 45. 49. 53 Dalrymple, 205. 209. 271.

† Sydney's Letters, 34

‡ Dumont, vii. par. ii. p. 2



the ambition of Louis, who was still believed to cherish hostile designs against the Spanish territories in the Netherlands; and it was strongly seconded by the advice of Temple and Sunderland, as calculated to refute the general opinion that the king still suffered himself to be swayed by French counsels. In August he Aug. announced his intention of meeting the parliament on 23. the 21st of October, and the announcement stimulated the opposite parties to new exertions preparatory to the contest. It was evident that the adversaries of the duke had acquired in the interval a considerable accession of strength. The boldness of Shaftesbury in presenting that prince for recusancy, had indissolubly bound the noblemen and gentlemen, who accompanied him, to his party—they had gone too far to withdraw: they must run the presumptive heir or be ruined by him—and it confirmed the wavering fidelity of some among their followers, who conceived that no reasonable man would have ventured on such an attempt without full assurance of success. In addition they could now command the services of Sunderland and Godolphin, who, from the moment that they devoted themselves to the interests of the prince of Orange, had pledged themselves to the leaders to promote the bill of exclusion. They had won a still more powerful auxiliary in the duchess of Portsmouth. Her terrors had been excited by the threat of an indictment, and were kept alive by the publication of articles of high treason and other misdemeanors against her\*. She sought a reconciliation through the agency of lord Howard of Escrick, and to lull the suspicion of Charles, attributed her interviews with that nobleman to her desire of mitigating the hostility of the party. A treaty was concluded between her on one side, and Monmouth, Shaftesbury, and Russell on the other: it was stipulated that they should suppress all proceedings against her, and that she should employ all her influence with the king in aid of the bill of exclusion. With this

\* See it in Somers, Tracts, viii. 137.

view she was commissioned to offer him a large supply of money, with the power of naming his successor in the same manner as it had been conferred on Henry VIII. Gradually he was brought, or at least pretended, to listen to these terms. Monmouth had little doubt that he should be the person named by his father: the duchess was supposed to indulge a hope that her own son by the king might prove the successful competitor\*.

Though James was not without suspicion, he was kept in ignorance of this intrigue, till the court returned from Newmarket, when Essex, Halifax, Sunderland, Godolphin, and the duchess of Portsmouth took opportunities to represent to the king, separately and, as it were, without concert, the necessity of his brother's departure before the opening of parliament. He permitted them to signify their opinion to James, who received it with strong expressions of displeasure. Experience, he said, had convinced him that his presence proved an encouragement to his friends, his absence to his enemies. The question was then laid before the council, where eleven out of eighteen members spoke in his favour; but the king, with those in the secret, contrived, by putting hypothetical cases, to embarrass the deliberation, and the next day informed the duke that reasons of state rendered his absence indispensable during the approaching session. At these words the unfortunate prince appeared sunk in despair: and to console him Charles most solemnly promised that he would never surrender but with his life the rightful descent of the crown, the command of the naval and military force, and the power of calling, proroguing, and dissolving parliament. James, for a last favour, solicited a general pardon, as a protection against impeachment during his absence: but the king replied that a pardon was unnecessary. If the commons talked of an impeachment, he would meet the attempt with a dissolution. Convinced that he was

\* Temple, ii. 531. James (Memoirs), i. 591. 594. 599. 615. Macpherson i. 104. Dalrymple, 264. 270. 272. 279.

abandoned by his brother, the prince with a heavy and Oct.  
misboding heart went on board his yacht, and sailed for 20.  
Leith, the day before the meeting of parliament\*.

Barillon had carefully watched the progress of these intrigues, and received instructions from his court to make it his chief object to prevent any grant of money in support of the Spanish treaty, and for that purpose to foment, by every expedient in his power, the dissension among the several parties. He informed the popular leaders that Louis considered it as much his interest as theirs, that the powers of the crown should be confined within the narrowest limits; and would therefore be always ready to aid them in their efforts to secure the liberties of the people. To James he made the offer of pecuniary aid, whenever that prince might deem it expedient to draw the sword in support of his own rights. If the king should seem disposed to an union with the popular party, the ambassador was authorized to prevent it by offering a yearly pension, provided he would withdraw from his treaty with Spain, and govern without a parliament: and should the bill of exclusion be carried, and a necessity exist of choosing between the prince of Orange and Monmouth, he was instructed to support the former, though a personal enemy, in preference to the pretensions of a bastard. Barillon immediately began to intrigue, and with the distribution of a few thousand pounds, purchased the services, or a promise of the services, of several among the more influential members of the house of commons†.

\* James (Memors), i. 594—600 Dalrymple, 265 268 Macpherson, i. 105 In conversation with Barillon before his departure James says, en termes pleins de colere et de ressentiment que si on le pousse a bout, et qu'il se voit en état d'être entièrement inné par ses ennemis, il trouvera les moyens de les en faire repentir . . . cela veut dire qu'il espère pouvoir exciter des troubles en Ecosse et en Irlande. Hence Dalrymple (269) and Heywood (316) represent him as intending to excite a rebellion against his brother; an inference which certainly is not warranted by this sudden burst of passion.

† Dalrymple, 271 277. 278, 279, 280 285. Besides Montague, whose services were secured by other payments, Hamblen member for Buckinghamshire, Titus for Huntingdonsire, Herbert for Wilton, Hill for

It was the intention of the Whigs that the bill of exclusion should originate in that house. The plan of operations was traced by the hand of Shaftesbury, and did honour to the ingenuity of its author. As soon as the members had taken the oaths, Dangerfield appeared at the bar to accuse the presumptive heir to the crown. Oct. 26. Though he stood there with the accumulated infamy of sixteen convictions on his head, though his testimony had been rejected by the verdicts of three successive juries, he was received with approbation, and listened to with credulity. He solemnly affirmed that the duke of York had been privy to his imposture of a presbyterian plot, had given him instructions to forge and distribute the lists and commissions, had made him a present of twenty guineas with a promise of a more substantial reward, had turned into ridicule his scruple of shedding the king's blood, and had commanded him to persevere without dread of the consequences \*. Before the indignation excited by this disclosure had subsided, lord Russell rose, and moved that it should be the first care of the house "effectually to suppress popery, and prevent a popish successor." He was seconded by sir Henry Capel, who, in the whole reign of the king, during the lapse of twenty years, could see nothing but the prevalence of popish counsels. Whether toleration was granted or denied, whether war was declared or peace concluded, whether the king sought to conciliate the two houses by concession, or cut short their debates by a prorogation or dissolution, every measure, whatever might be its apparent motive, proceeded from the secret influence of the

Agmondesham, Harbord for Camelford, Armstrong for Stafford, and Boscawen for Tregony, with Algernon Sydney and Baber, neither of whom sat in this parliament, received severally 500 guineas. Sacheverell member for Derbyshire, Foley for Bewdley, Bide for Hentford, Bennet for Shaftesbury, Hotham for Beverley, Garraway for Arundel, Frankland for Thirsk, and Harley for Herefordshire, with Huddall and Compton, two agents, were satisfied with the smaller sum of 300 guineas. See Barillon's account, dated December 4, O. S. in Dalrymple, 316.

\* L. Journal, xiii. 667, and "The Information of Thomas Dangerfield, Gent. 1680."

papists in the prosecution of their great objects the destruction of protestantism, and the elevation of a popish prince to the throne. From the same impure source he derived the many acts of arbitrary power, which marked the king's reign, the burning of London, the destruction of the fleet in the river, the attempts on the life of the protestant monarch, and that hellish plot, for the discovery of which they were indebted to the mercy of Providence and the agency of Titus Oates. Montague and others followed in the same tone of invective and crimination, and the resolution was adopted without a dissentient voice\*.

It was of importance not to suffer the vindictive feelings, kindled by these harangues, to cool through procrastination, or the want of additional excitement. Two days later the deposition of Bedloe on his death-bed, confirmatory of his former testimony, was read to the house†; soon afterwards Francisco de Faria, a converted Jew, came forward to declare that a proposal to assassinate Oates, Bedloe, and Shaftesbury had been made to him by the late Portuguese ambassador, to whom he had acted as interpreter‡: then Dugdale related at great length his proofs of the guilt of the lords in the Tower: next came Piance to make additions to his old tale of the murder of Godfrey; and last of all

Oct.  
28.

30

re-Nov.

1.

2.

\* C. Journ. Oct. 26. Parl. Hist. iv. 1162—1172. James, i. 601.

† Bedloe during his sickness at Bristol sent for the chief justice North, and before him and several others declared that the evidence which he had given was true, and lamented the danger to which the protestant religion was exposed. He then expressed a wish to communicate important information to North alone—all but his wife and North's clerk left the room; the sick man was sworn, and declared that the duke of York was a party to the plot, with the exception of the murder of the king, and that the queen had given money for the propagation of the catholic faith, but was, as far as he knew, ignorant of any mischief designed to the king. This deposition was read over to him; he approved of it, and declared that he had nothing to add to it. Its publication greatly disappointed the expectation of the party. State Trials, vi. 1493. North, 252, 255.

‡ Gaspar de Abreu de Freitas, the ambassador, left England in February. De Faria without employment grew poor: he pretended to fall into fits, in which he often repeated the names of Shaftesbury, Oates and Bedloe, and at last turned informer. He insinuated that lord Powis, lady Abergivenny, and chief justice Scroggs were leagued with the ambassador. See his printed information, and narrative.

Mr. Treby made a full report of the several informations respecting the plot, which had been collected by the industry of the committee appointed in the last parliament. In conclusion the house passed the three following votes: 1. that the conspirators had been led to engage in the plot by their knowledge that the duke of York was a papist; 2. that if any violence were offered to his majesty's person, it should be revenged on the whole body of the papists; 3. that a bill should be introduced to disable the duke of York from succeeding to the imperial crown of England\*.

Had the adherents of the court united in his defence with the "party volant" (so the independent members were called) James might yet have bidden defiance to the formidable host which stood in array against him. But means were devised to intimidate the one and to attract the other. The expulsion and imprisonment of sir Francis Wythens, for the presentation to the king of the Westminster address expressive of "abhorrence of "the petitions," and of sir Robert Canne, because at Bristol he had hinted an opinion that a presbyterian was more probable than a popish plot, showed how dangerous it was to provoke the displeasure of the leaders; and a number of petitions against undue returns, petitions levelled chiefly against the courtiers, taught them to tremble for the possession of their seats, and to propitiate those on whose votes their subsequent fate must depend. On the other hand the party volant was induced to give their aid to the Whigs, on considerations drawn from the sudden departure of James, and the warmth displayed by lord Russell and William Jones. The king, it was argued, would never have banished his brother a second time, had he not seen the necessity of yielding to the popular ferment; nor could it be supposed that a nobleman so cautious as lord Russell, with such a princely fortune at stake, or a lawyer so eminent in his profession as Jones, with such a brilliant prospect

\* C Journ. Oct. 23, 30, Nov. 1, 2

before him, would have embarked so eagerly, so violently, in the cause, without some secret assurance of being able to bring it to a successful issue\*.

In the debates respecting the bill of exclusion, the Nov. speakers on both sides did little more than repeat the <sup>1</sup> arguments which they had enforced in the last par- 8 liament. The principal novelty was an allusion to the 10. unacknowledged claim of the duke of Monmouth. Why, it was asked, did the bill contain no provision in case the duke of York should return to the protestant church? For what purpose had all mention of his children been so cautiously avoided? Why was not the right of succession declared to reside in them? "They talk, indeed," exclaimed colonel Legge, afterwards earl of Dartmouth, "of another successor in a black box; but, if that Pandora's box is to be opened, I hope it will be in my time, and not in that of my children, that I myself may have the honour of drawing my sword in support of the rightful heir." The advocates of the bill were content to reply, that as it named no one but the duke, the disability would apply solely to him; he would be dead in law; and the crown would of course descend as if he were naturally dead†.

In the mean time Shaftesbury, to the surprise of the uninitiated, paid several visits in public to the duchess of Portsmouth; and yet the negotiation, which had commenced under her auspices, proceeded but slowly. Charles had descended from the demand of 800,000*l.* to the sum of 600,000*l.*: but neither party dared to place confidence in the good faith of the other; he insisted that the parliamentary grant should precede, the Whigs that it should follow, the exclusion of the duke‡. The

\* C. Journ Oct 28, 29. Temple, ii. 539.

† State Tracts, 85. Parl Hist iv. 1175 1215. James, 601—613. The bill proposed to enact, that, if James survived the king, the crown should descend and be enjoyed by such person or persons successively, during the life of the said James duke of York, as would have inherited and enjoyed the same in case he were naturally dead. See it in State Tracts, ii. 91.

‡ James (Memoirs), i. 640. 645. Bunnet, ii. 254, and note. Dalrymple, 279.

king, at the suggestion of Halifax, sought to bring the question to an issue by a message to the house of commons, in which he professed his readiness to concur with them in any measure of precaution, which did not infringe on the lawful descent of the crown. But it was determined to pay no regard to this message, and while the committee prepared an answer, the managers added a new stimulus to the fears and prejudices of the members by the announcement of another conspiracy lately discovered in Ireland.

From the very beginning, it had acted as a drawback from the credit of the English plot, that there existed no trace of any similar design in Ireland, where the catholics were so much more numerous, and had experienced so many more grievous and more recent causes of irritation. Ormond carefully executed the orders of the English council, though he was convinced that they were not called for by any fault of the natives. He disarmed the catholics, suppressed all schools and convents, shut up the chapels in the principal towns, and commanded by proclamation all catholic priests to quit the island by a certain day. Next, in obedience to new instructions, but in opposition to his own judgment, he offered rewards to informers respecting the plot, and immediately a few men of desperate fortunes and abandoned character came forward. But they met with little credit among their countrymen. Most of the accused were dismissed after examination by the Irish council, and the others, who took their trials, were acquitted by protestant juries\*. The friends of the plot were not discouraged. They summoned the disgraced informers to England, sent them back with new instructions to Ireland, and now, having recalled them from their mission, exhibited them at the bar of the house of commons, where Hetherington, Murphy, and Fitzgerald detailed the particulars of an imaginary plot in Ireland, the exact counterpart of that supposed to have been discovered in

\* Carte, ii. 477 498 513—516. App. 99.



England. The moment they departed, an address complaining of evil counsellors, and begging the king to trust to his faithful commons was adopted, and a motion made to read the bill of exclusion the third time. The duke's friends yielded to the torrent: they did not even call for a division, and the bill passed amidst the shouts and congratulations of its advocates\*.

Here, however, for some reason, of which we are ignorant, a pause of four days ensued; and the intermediate time was spent by the opposite parties in preparing for the contest in the house of lords. Charles took a most decided part, openly soliciting votes in favour of his absent brother; and the popular leaders procured numerous petitions, and were careful that Dangerfield should be in attendance. It had been artfully arranged that his charge against the duke should immediately precede the introduction of the bill of exclusion. But his testimony failed to produce the desired effect: for lord Peterborough, who was named as a party, vindicated himself so victoriously, that even Essex, one of the opposite leaders, pronounced the informer unworthy of credit†. When lord Russell brought up the bill, he was accompanied by the great body of the commons, and his announcement of its title, "to disable James, duke of York, from succeeding to the crown," was followed by a cheer of approbation from behind the bar. The house resolved itself into a committee, and the commons remained to hear the debate. Essex and Shaftesbury, particularly the latter, distinguished themselves by the force and eloquence with which they urged the expediency of the measure, and were followed not only by the accustomed leaders of the party, but by the earl of An-

\* C. Journ. Nov 11

† In the Memoirs of James (i. 617) we are assured from his collection of letters, that the information of Dangerfield preceded the debate on the bill, and that such was the case is evident from the time at which the division took place, nine or eleven at night. It is probable that the clerk entered both the information and the debate on lord Peterborough's guilt or innocence afterwards for his own convenience. L Journ. 667—670.

glesey, who seems to have been intimidated by the evidence of Dangerfield, and by the earl of Sunderland, who took this opportunity to announce his apostacy\*. Prudence might have closed the lips of Monmouth: but he spoke boldly, and uttered sentiments which gave unpardonable offence both to his father and uncle. He should vote, he said, for the bill, because he knew of no other expedient to preserve the life of the king from the malice of the duke of York: an expression which Charles, who was present, likened, in a loud whisper, to "the kiss of Judas." On the opposite side appeared a champion of matchless prowess, the earl of Halifax. He exposed the hypocritical ambition of Monmouth with all the powers of wit and sarcasm: he rebutted the arguments of Shaftesbury with an eloquence and energy which surpassed the most partial expectations of his friends: and he developed the arts and intrigues of the exclusionists in a manner which was keenly felt and deeply resented. At nine at night, after a debate of six hours, the house divided, and the bill was rejected, on the first reading, by a majority of sixty-three to thirty voices†.

Nov. 17. To console themselves under this disappointment the popular leaders resolved to hunt down those whom they considered as its principal authors. Halifax in one house, and Seymour in the other, were marked out for the objects of vengeance. Against Halifax the commons presented an address, that he might be for ever removed from the royal councils and presence, not because he had so successfully opposed the bill of exclusion, but under the pretence that he had advised the late dissolution. Charles briefly replied, that whenever they could show that either Halifax, or any other of his councillors, had committed a legal offence, he would never in-

\* "I am assured," says Evelyn, "he (lord Sunderland) did not do this "out of inclination, or for the preservation of the protestant religion, but "by mistaking the ability of the party to carry it." Evelyn, iii. 50.

† *L. Journ.* 666. James (*Memoirs*), i. 617, 618. Macpherson, 108, 109. Rere by, 104. Burnet, ii. 216, note a. From these authorities it appears that all the bishops present, fourteen in number, voted against the bill.

terpose to screen him or them from punishment. Seymour, the most powerful advocate of the duke in the council, they impeached of peculation in the execution of his office of treasurer of the navy ; a charge the truth or falsehood of which was never ascertained, because he was never brought to a public trial. To the king himself, who had asked for pecuniary aid towards the defence of Tangier against the Moors, they replied by an address, which was in reality meant to be an appeal to the people. The papists, they told him, " that bloody " and restless party," not content with the private exercise of their idolatrous worship, had brought over multitudes of priests and jesuits to pervert the consciences of his subjects, and to corrupt those whom they could not pervert ; had gradually usurped the control over the internal and external polity of the kingdom ; had prevailed on him to make peace or war, to call or dissolve parliaments, as suited their purposes : and having before them the prospect of a proselyted prince to succeed to the throne, had formed the design of assassinating his majesty, of destroying the protestants in England, and of executing a second massacre in Ireland, that by these means they might accomplish the suppression of religion, and the overthrow of the government. To prevent these evils, the house of commons had proposed the exclusion of the duke as the only remedy. Let the king adopt it, and he would find them ready to vote him pecuniary assistance : if not, they should at least preserve themselves guiltless of the blood and desolation likely to ensue\*.

In the house of lords Shaftesbury proposed, what he described " as the sole remaining chance of security for " liberty and religion," a bill of divorce, which by separating the king from Catherine, might enable him to marry a protestant princess, and to leave the crown to

\* C Journ Nov 17 22 26, 27.

his legitimate issue\*. The earls of Essex and Salisbury and the lord Howard of Eserick supported the motion; which was as warmly opposed by the earls of Halifax and Bridgewater. Charles, however, declared that he would never consent to the disgrace of an unoffending woman; he openly solicited the votes of the peers against the measure; and its originator, despairing of the result, suffered it to sleep for a while, with the hope of bringing it forward again under more favourable auspices, and with a better prospect of success†.

Hitherto the session had brought to the popular leaders nothing but disappointment and defeat: the prosecution of William Howard, lord viscount Stafford, gave them a victory, but a victory which covered them with disgrace. Of the victims sacrificed to the perjury of Oates and his brother informers not one had died without protestations of innocence; and the truth of these protestations had been strongly confirmed by the repeated acquittal of their surviving companions during the last summer. The credit of the plot, the credit of the majorities in both houses who had so loudly and so frequently pronounced their belief in its existence, and the credit of the statesmen who had employed it as an engine to move the passions of the people, and as a weapon of offence against the duke of York, were evidently at stake. To maintain the reputation and the influence of the party, a conviction was necessary, and to obtain such conviction no art was left untried, which the desire of victory could suggest. Hence it was, that when the lords in the Tower, after their long and rigorous confinement‡, demanded a trial,

\* It should be remarked that the exclusionists never attempted to move the question of Monmouth's legitimacy, whence Ralph justly infers that they knew it would not bear inquiry. Ralph, 560.

† James (Memoirs), i. 618 Macpherson, i. 109

‡ On the 21st of May, 1680, lord Stafford was brought by habeas corpus before the court of King's Bench, and demanded to be discharged on bail, as he had been eighteen months in prison without being brought to trial. The chief justice refused, on the ground that the lords had declared that impeachments continued from parliament to parliament. Lord Stafford

the commons did not bring them together to the bar, but selected the lord Stafford, who on account of his age and infirmities appeared the least able to make a powerful defence ; and in addition they exposed him, during the proceedings, to insults capable of unnerving the stoutest heart, and refused to him those indulgences which humanity, if not justice, seemed to demand. 1. Each day, as the noble prisoner proceeded to the hall, or returned to the Tower, he was constantly surrounded and assailed by crowds of miscreants, sounding in his ears the most hideous yells and most appalling imprecations. He complained to the court of such treatment, but complained in vain. These cries, he said, wounded his feelings, and disturbed his thoughts ; they disabled him from attending to his defence ; they took from him that calmness of mind so necessary to a man pleading for his life. 2. On the second day, when the witness Dugdale came to the capital offence, and deposed to the assent, said to have been given by lord Stafford to the design of assassinating the king, a cheer of congratulation, an expression of feeling suited more to savages than civilized men burst from the members of both houses, and ran through the hall. "What," exclaimed the lord high steward, "is the meaning of this ? For the honour and "dignity of public justice, let us not carry it as if we "were in a theatre." 3. The counsel of lord Stafford attended to argue points of law, if any such points should arise. Yet so captious was the jealousy of the managers, so ardent their desire of a conviction, that they would not permit the counsel to stand within a certain distance of the prisoner, lest they might by a whisper or sign suggest to him some question or remark, useful for his defence, or embarrassing to their witnesses. 4. When replied that he asked for nothing but what the law granted to every Englishman : by law he had a right to be bailed ; nor would the granting of his demand infringe the order of the lords, for, whether he were in prison or out on bail, he should be equally forthcoming when called upon. But the judges were unwilling to interfere, and advised him to petition the king. See his letter to his son in the possession of his descendant, the present lord Stafford.

the commons had concluded their case, and the accused solicited the respite of a day to prepare his answer, urging his fatigue, his infirmities, his want of sleep, and the precedent of a similar indulgence in the case of lord Strafford, they sternly withheld their assent; and the lords, through fear of giving offence, had the inhumanity to refuse a request, which was originally suggested by the high steward, and had been pronounced by him reasonable and just\*.

Westminster-hall had been fitted up for the trial after the form which had been adopted during the proceedings against lord Strafford. The interior exhibited an exact resemblance of the house of lords; on each side ascending rows of benches were appropriated to the members of the house of commons; the managers, the witnesses, and the accused were stationed near the bar, in face of the lord high steward; on the right of that officer the king with his attendants, on the left the queen with hers, occupied a private box; and above them a spacious gallery accommodated the foreign ambassadors, and other privileged individuals. Finch, the chancellor, discharged the office of lord high steward; and the managers for the commons were Maynard, who forty years before had been similarly engaged in the trial of lord Strafford, Winnington, Treby, Jones, Powle, and Trevor, the most distinguished lawyers in the house.

On the thirtieth of November (it was his sixty-ninth birth-day, but whether the coincidence arose from design or chance is unknown) this venerable nobleman was placed at the bar to plead against the informers, and politicians, and zealots who thirsted for his blood. The day was spent by the managers in an attempt to establish the existence of the plot. With this view they detailed to the audience all those pernicious doctrines which have been so often, and so falsely, attributed to the church of Rome, that faith is not to be kept with heretics, that he-

Nov.  
30.

\* Trial of lord Stafford, folio, 1680-1, p. 40, 42 65.

terodox sovereigns may be lawfully deposed and murdered by their subjects, and that actions, vicious of their own nature, become virtuous, when their object is the benefit of the church. They then reminded their hearers of the persecution under queen Mary, of the gunpowder plot, of the massacre of the French Huguenots, and of the rebellion in Ireland, they attributed to the catholics the burning of London, the destruction of the fleet at Chatham, and the subsequent fires in the metropolis; they painted in vivid colours all the horrors disclosed by Oates and his associates, the intended assassination of the king, the massacre of the protestants, the auxiliary armies of French papists, of wild Irishmen, and of Spanish pilgrims; and they urged the death of Godfrey, the correspondence of Coleman, and the convictions of that intriguer, of Langhorne, and of the jesuits. In the next place they threw out menaces of vengeance against all who should presume to defame the king's witnesses, or affirm the innocence of the peers in the Tower; called on the lords to display their love of truth, and zeal for the protestant cause. and predicted that, if justice were done in this case, popery would be for ever banished out of the English world. Having thus prepared the minds of the audience, they called five witnesses, Dugdale, Oates, Prance, Turberville, and Denis, men whose very characters were a sufficient condemnation of the cause which they appeared to support. They deposed to things, many of them utterly incredible, and many morally impossible; that the pope, the cardinals, and the jesuits had for several years made this, their design of assassinating the king, the subject of common discourse and of public sermons in Italy; that the moment the king should fall, the papists, confessedly a small body of men, would rise and cut the throats of the protestants, and that such protestants as had the good fortune to escape the knives of the assassins would nevertheless fall by the swords of the popish army, though whence that army was to come, or by what means it was to be raised, no

man could describe or conceive. To the testimony of these men lord Stafford was content to reply, that no part of it was in any manner applicable to him\*.

Dec. 1. On the second day the managers undertook to bring the charge home to the accused. Dugdale deposed to three facts: 1. that lord Stafford, at a consult at Tixall, had given his consent to the king's death; 2. that on a subsequent Sunday, coming from Stafford to Tixall to hear mass, he met the deponent, and told him that the catholic worship would soon be established in England; and 3. that on the 20th or 21st of September, sending for the witness to his chamber, he offered him 500*l.* if he would undertake to assassinate the king. Dugdale was repeatedly urged to name the time of the consult: but he kept himself on his guard; though a latitude of ten, and subsequently of fourteen days was offered, still no ingenuity could extort from him any other answer than that it was held about the end of August, or the beginning of September, 1678.

Oates followed. Besides his pretended acquaintance with many letters, in which lord Stafford had expressed his adhesion to the plot, he swore positively that he saw Fenwick deliver into the hands of the prisoner a patent from the general of the jesuits, appointing him paymaster to the catholic army. To Oates succeeded Turberville, a younger son of a catholic family in Glamorganshire, who, finding himself reduced to poverty, had conformed to the established church, and put in his claim for the reward promised to informers†. This witness declared that in Paris he had been three weeks with lord Stafford, who earnestly solicited him to murder the king. His deposition closed the case for the prosecution; and the prisoner was called upon for his defence. He observed, that he had good reason to believe that the

\* Trial, 7—39.

† According to his sworn "information," he was at first gentleman usher to lady Mary Molineux, and afterwards sent to Douai to become a friar, but ran away from the convent, which so enraged his relations, that his brother disinherited him. Inform. 5, 7.



doctrines so ostentatiously put forward by the managers, were not the doctrines of the church of Rome: at all events, they were not his doctrines; he had always looked on them with abhorrence, and therefore was not answerable for them: that his past life had borne witness to his loyalty, and had earned for him the approbation of his sovereign; and that his conduct on the first discovery of the plot was a satisfactory proof of his innocence. Had he been conscious that Oates the informer saw him accept the traitorous commission, and that others had been suborned by him to murder the king, would he not have sought to preserve his life by flight or concealment? Yet seven days afterwards he came publicly to London, and continued to attend his duty in parliament, till he was taken into custody. Again, two commissioners from the house of lords, and subsequently others from the council, had come to him in the Tower with a promise of a full pardon, if he would only confess what he knew of the conspiracy. Was it to be conceived that, with the knowledge of the fate which had befallen those who were found guilty, and of the fate which awaited himself in the event of conviction, he would have refused the proposal, if he had been conscious of guilt? These things he offered as strong presumptions in his favour; and then requested the respite of a day to prepare for his defence. That the request was refused is already known to the reader\*.

The following morning he boldly met the charges against him. Each of the three witnesses was, he maintained, a perjured villain; and whoever impartially considers his proofs must admit the truth of the assertion†. Of Dugdale he showed that the informer knew nothing of the pretended consult at Tixall, when he made his

Dec  
2.

\* Trial, 52—56. 65.

† Of course I must confine myself to the more important points of the case. Unfortunately lord Stafford urged in addition a great variety of proofs, many of them more liable to objection from an ingenious opponent. This enabled the managers, by disputing the accuracy of his statements, and the credit of some of his witnesses, to withdraw the attention of the court from that which constituted the most important part of his defence.

original deposition upon oath in December, 1678. It was seven months later, at the trial of sir George Wake-man, that he first announced its existence to the public; but then he fixed it in the month of August, now he sought to transfer it to the beginning of September. But this artifice would not avail him. Lord Stafford, as was clearly proved, spent the month of August in Bath, and did not arrive at Tixall till the 12th of September, much too late to attend a consult there about the end of one month or the beginning of the other. Again, of the pretended offer of 500*l*. on the 20th or 21st of September for the murder of the king, Dugdale was equally ignorant at the time of his original information. He then, indeed, mentioned an interview with lord Stafford on the 20th; and charged him with saying, "that there was a design in hand, and that, if Dugdale would undertake it, he should have a good reward, and would make himself famous," but to learn the nature of this design, he hastened from lord Stafford to Evers the jesuit, and by him, having previously taken an oath of secrecy, was informed that it had for its object the assassination of the king\*. How could that deposition be reconciled with his testimony on the present trial? How could he be ignorant of the design if he had already assisted at the consult in which it was determined, and had even received an offer of 500*l*. to carry it into execution?

Against Oates lord Stafford objected, 1. that this witness, according to his own testimony, not only pretended to be a catholic while he was in reality a protestant, but during his voluntary transactions with the jesuits had lived in the practice of a religious worship which in his conscience he believed to be idolatrous. Was a man of this degraded character, a miscreant of such deep dissimulation and hypocrisy, one who would even commit idolatry for the accomplishment of his purpose, admissible as a witness in a court of justice?

\* Trial, 69—95. 103. This information may be seen in the *Lords' Journals*, xiii. 442.

2. Oates had stated that, if he had descended to such discreditable arts, it was to discover the secrets of the jesuits; that he had succeeded in obtaining their confidence, had been employed by them to arrange all their papers, and to distribute their treasonable commissions, and yet, out of the multitude of documents which passed through his hands, he had not preserved a single line, to prove the truth of any one of his pretended discoveries. 3. Thus was not the first time that Oates had charged lord Stafford upon oath. In one deposition he had made him secretary of state, in another he had named him without any office; and now he comes forward and swears that, three months before his first affidavit, he saw lord Stafford receive from the hands of Fenwick, the jesuit, a commission appointing him paymaster of the army. How was it possible to reconcile these different oaths, or to attach credit to the testimony of a man who had voluntarily taken them all \*?

To the evidence of Turberville the prisoner opposed, 1. a solemn assertion that he was a perfect stranger to the person and name of the informer; 2 the testimony of the two servants, who attended him in Paris, that they never saw Turberville in their master's house; 3. the acknowledgment of Turberville himself at the bar, that he knew not the servant, nor could describe the house, or the rooms, or their furniture; and, lastly, the depositions of different persons, that Turberville, after he had conformed to the established church, repeatedly asserted, and sometimes with oaths, that he knew nothing respecting the plot. In addition to these, Dr. Lloyd, the bishop of St. Asaph, at whose table Turberville, after his conversion, dined for the space of three months, might have testified the same, and with still greater effect: but a menace, artfully thrown out by Winnington in his opening speech, had terrified the prelate, and he thought it better to allow innocent blood

\* Trial. 95—102. See the depositions in State Trials, vi 612, and L. Journ. xiii. 327

to be shed, than to encounter in its defence the displeasure of the house of commons\*.

- Dec. 4. Three of the managers were heard in reply. They maintained that the reality of the plot was now proved beyond dispute, and that the evidence against the prisoner was clear and conclusive; they dwelt minutely on all the weak points of his case, and the apparent inaccuracy of a part of his statements; and they urged the contradiction which had been given to some of his witnesses, and the probability that others, who were catholics, had been previously tutored to serve his purpose: but the most important feature in the case, the charge of perjury against their own witnesses, seems almost to have escaped their notice. The pretended consult at Tixall, a manifest forgery, they were content to waive, because the prisoner objected the uncertainty of Dugdale as to the time; and on the glaring inconsistency between the testimony of that witness, as well as that of Oates, and their original informations, they made no comment whatever. The condemnation of an innocent man seems not to have alarmed their consciences. They acted as if they thought it their duty to employ all the powers of their eloquence, all the resources of their ingenuity, to procure a conviction; leaving it to the court to detect the fallacy of their reasoning, to unravel the web which they had so artfully woven, to sift out the truth from that accumulation of chaff under which they had buried it. If injustice were done, the judges, not the advocates, were to be responsible†.

\* Lloyd, hom having been Turberville's religious instructor, was enabled to judge that his testimony at the trial was nothing but fiction. Unfortunately, he had recently published a treatise, in which, to create dissension among the catholic clergy, he had praised the secular priests at the expense of the religious orders (Burnet, ii 259), and Wilmington, to terrify the bishop, complained of this book in his opening speech, as "artificially written in favour of popery, and deserving what it would undoubtedly receive, a particular consideration." The prelate, urged by conscience on one side, and deterred by fear on the other, consulted his friends whether he was bound to come forward in the defence of innocence at the risk of bringing on his own head the vengeance of the house of commons, and they very indulgently resolved the case in favour of his timidity. Burnet, ii. 258

† Trial, 169—192.

The prisoner now made his exceptions in point of law; of which the principal were, that impeachments in parliament determine at the dissolution of parliament, and that two witnesses are necessary to prove an overt act of treason. The first of these the lords would not allow to be argued—it had already been decided by their house; on the second they consulted the judges, who replied unanimously that it was sufficient if one witness proved one overt act, and a second another, both being directed towards the accomplishment of the same treason. It is difficult to believe that such could be the original meaning of the legislature, if we consider the real object for which the statute of treasons passed. But this explanation was first given under the commonwealth in the trial of Love before the high court of justice; it was adopted by the judges at the restoration in the trials of the regicides, and has ever since continued to be the doctrine of the courts\*.

On the seventh day the lords assembled in the hall: Dec. 7. the high steward called on them in order, beginning with the junior baron; and each, placing his right hand on his breast, pronounced his judgment “upon his honour.” Out of eighty-six voices, one-and-thirty declared the prisoner innocent, fifty-five guilty. He was now introduced, and informed of the unfavourable result. It proved far different from what he had anticipated: but he mastered his feelings. “God’s holy name be praised,” was his answer. “I confess I am surprised at it; but “God’s will be done, and your lordships’: I will not “murmur at it. God forgive those who have sworn falsely “against me.” The commons in a body, with the speaker at their head, demanded judgment; and the high steward, after a laboured speech, which showed, if he spoke his real sentiments, how miserably prejudice had benighted his understanding, or, if he did not, how anxiously he sought to conciliate the victorious party †,

\* Trial, 1793—1798.

† I should think the last was his object. For what other purpose could

adjudged the prisoner to suffer the usual punishment of traitors. "My lords," said the unfortunate viscount, "give me leave to speak a few words. I thank you for all your favours to me. I do here, in the presence of Almighty God, declare that I have no malice in my heart against those who have condemned me. I know not who they are, nor desire to know. I forgive them all, and beseech your lordships all to pray for me. But I have one humble request to make, that for the short time I have to live I may not be a close prisoner, as I have been of late, but may be allowed to see my wife and children, and friends." The request was granted, with a promise that the lords would also be suitors to his majesty to remit every part of the punishment but the striking off his head. At these words he burst into tears; but, suddenly collecting himself, said: "My lords, it is not your justice, but your kindness, that makes me weep\*."

That lord Stafford should have been condemned by so numerous a majority must have provoked the surprise of the reader. But he should recollect that the same object will often appear in a very dissimilar light to the spectator who views it calmly from a distance, and to the man who acts under the influence of public excitement, and with a judgment swayed by the views and prejudices of party. It is also to be remembered that lord Stafford was not arraigned before a jury of indifferent individuals: his fate was decided by the votes of men who were parties to the prosecution, and interested in his conviction. The house of lords had been employed for two sessions in investigating the plot, in procuring evidence, in forwarding the trials of the accused. They had excited the passions of the people by their votes, had published their conviction of the existence of the plot, had made that conviction the ground of a severe

he tell lord Stafford that now no man could doubt that London was burnt by the papists—a subject on which not one tittle of evidence had been given at the trial. *State Trials*, 1556

\* Trial, 209—214.

persecution of the whole body of catholics, and had thrown into prison the persons who ventured to express a doubt of the honesty of the informers. Had they now, in opposition to the positive oaths of the same informers, acquitted the prisoner, they would have done what they so arbitrarily punished in others; they must have acknowledged that the plot was a fiction; they must have taken shame to themselves for the excitement, the miseries, and the bloodshed which they had caused. It should, moreover, be observed, that the trial came on at a moment most unfavourable to the noble prisoner, immediately after the rejection of the bill of exclusion, when one party was goaded almost to madness by the sting of disappointment, and the other, alarmed by the threats, sought to pacify the vengeance of their adversaries\*. It will not then excite surprise if, under the influence of such motives, many were disposed to look rather to the testimony of the witnesses than to the objections against their veracity; and to persuade themselves that, if they judged wrongly, the blame must rest, not with themselves, but with those by whose oaths they had been deceived†.

Among the friends, or pretended friends, who visited lord Stafford after his condemnation, were doctor Burnet and the bishop of London. They exhorted him to attend to the welfare of his soul, and offered to point out to him the erroneous doctrines of the church of Rome. He replied that his time was so short, and therefore so precious, that he could not afford to spend it in religious controversy. From the care of the soul they descended to that of the body. To one of their inquiries he replied,

\* This certainly appears from their refusal of granting lord Stafford a day's preparation for his defence.

† North, *Examen*, 219. "Very few of the lords who found him guilty would own that they gave full credit to the witnesses. The chief justice North asked how, then, they could condemn him? In answer, he was told that they were bound by the legal proof of facts, and the witnesses, by swearing to the facts, had furnished such proof to which he replied that peers, like juries, had to weigh the credibility both of the persons and the things." *Lives of the Norths*, i. 328.

that of a conspiracy against the king he had neither any knowledge nor so much as a suspicion. Many projects for the purpose of obtaining toleration had, indeed, been agitated among the catholics. These he might disclose as the price of his life, though that disclosure would earn for him the displeasure of the duke of York. This last hint produced its effect. Burnet brought him a message from lord Essex, lord Russell, and sir William Jones, that if he would discover what he knew respecting such designs, particularly respecting the conduct of the duke, he should be excused from confessing the charges against himself; and the earl of Carlisle informed the lords that his unfortunate kinsman would be ready in the course of two days to give full information of all that he knew in reference to the plot. But the house refused to wait; and, with the king's permission, lord Stafford was immediately placed at the bar. He said, that the catholics had made several attempts to procure an abolition, or at least a mitigation, of their sufferings. Long ago he himself had proposed to exchange the fines and penalties, to which they were subject, for the annual payment of 100,000*l.* to the king. Lord Shaftesbury, who was then chancellor of the exchequer, approved the offer: but the catholics objected to so large a sum, and the project was abandoned. Subsequently a measure of relief, founded on a new oath of civil allegiance, was brought into parliament, but lost through the obstinacy of lord Bristol. After this the opposition of lord Clarendon and the bishops to the declaration of indulgence extinguished his hopes, which, however, were subsequently rekindled by the report of the conversion of the duke of York to the catholic faith. It was then proposed to form a coalition between the catholics and the country party, for the purpose of procuring, in the first place, the dissolution of the parliament, and in the next the toleration of the catholic worship. This plan obtained the approbation of all to whom he had submitted it, of the duke of York, of the lord



chancellor, and of lord Shaftesbury. But the moment Shaftesbury was mentioned, the house interrupted his discourse. He was brought there, not to defame the great champion of protestantism, but to disclose the particulars of the plot; and, on his solemn protestation that he had never any knowledge of the plot, he was remanded to the Tower\*.

The same day the sheriffs received the warrant for his decapitation, but disputed its validity†. They could not conceive why the king should interfere at all with the execution. The cause had not been tried before him: the house of lords had pronounced the judgment, and it was for the same court to enforce it. In this pretended perplexity they applied by petition to the lords, and received for answer that "the king's writ ought to be obeyed." They were not, however, satisfied: they began to question the authority of the lords also; and solicited the direction of the house of commons. At their request the four following queries were laid before that house: "Can the king, being neither party nor judge, order the execution? Can the lords award the execution? Can the king dispense with any part of the execution? If he can dispense with a part, why not with all?" But the majority of the commons betrayed no wish to entertain a subject, which would have drawn after it an altercation both with the king and the lords; and, on the motion of sir William Jones, the petitioners were informed, that "the house

Dec. 21.

23.

\* Lords' Journals, 721. Reresby, 109. Echard, 987. Bunsell, ii. 264. Lord Stafford left behind him an autograph copy of this communication. The latter part of it has been lost: from the first portion of it I have been enabled to correct some errors of the preceding authorities.

† "I think it a terrible thing," says James, "to sign a warrant for putting a man to death upon the testimony of such perjured villains as those who deposed against lord Stafford, and I hope his majesty will have considered the trouble it was ever after to the king his father the having signed the warrant for the execution of lord Stafford; and, if it be not too late, why should not you put him in mind of it, it being a terrible thing the shedding the blood of an innocent man, as I am most confident lord Stafford is." Letter to Hyde, Clar. Cor. i. 50.

“ was content the sheriffs should execute William, late viscount Stafford, by severing his head from his body only.” The suggestion obtained for Jones the reputation of ingenuity: a vote more insulting to the sovereign could not easily have been devised\*.

Much conjecture was expended respecting the motives which actuated the sheriffs. They were Cornish and Bethel, who after a long contest had been returned in opposition to the court†; and their professed devotion to Shaftesbury and his more intimate associates provoked a strong suspicion that they were advised and guided by that nobleman. But what was the object? It could not be that any doubt was seriously entertained of the king’s right. That right had been uniformly exercised without dispute by preceding monarchs. Scarcely a reign had passed without the conviction or attainder of some peer for treason; and in every instance, when the judgment was carried into effect, the execution took place in virtue of a similar warrant, and by the same manner of death. It is equally difficult to believe that the same spirit of remorseless bigotry, which displayed itself by the burst of congratulation at the trial, could pursue its victim after condemnation, and seek to increase the bitterness of his death by adding to the poignancy of his sufferings and the ignominy of his punishment. Perhaps it was one of those dark and dangerous contrivances, which teemed in the proud brain of Shaftesbury, and of which the object was to point the clamour of the people against the court by

\* L. Journ xiii 724. C. Journ Dec 23. Parl Hist iv 1261. State Trials, vii 1562. North, 219. It is observed by Mr Hargrave, that in this warrant (see it, Trial, 215) the judgment against lord Stafford is stated to be, not by the king, or the king and lords, or with the assent of the king, but by the lords only, not the lords temporal or spiritual, or the lords generally, but expressly by the lords temporal. Opinion and Argument of Mr. Hargrave, p. 86.

† They were chosen at the usual time, midsummer day, but, as they refused to receive the sacrament and abjure the covenant, a new election was fixed for the 14th of July. Before that time they qualified, and were opposed by Nicholson and Box in the interests of the court. At the close of the poll the numbers stood for Cornish 2483, Bethel 2276, Box 1428, and Nicholson 1230. Echard 989.

holding out the king as the friend and favourer of the papists<sup>†</sup>.

Supported by the consciousness of innocence, and by the persuasion that he was about to perish a martyr to Dec. his religion, Stafford proceeded with a steady step and cheerful countenance to the place of execution. The severity of the weather induced him to ask for a cloak, lest, as he said, if he should tremble through cold, it might be taken for a symptom of fear. At his appearance a few yells and groans were heard: and to his request that the sheriffs would interfere, we are told that Cornish returned this brutal answer: "I am ordered to stop no one's mouth but your own." As, however, he passed on, the people treated him with respect, and many uncovered their heads. From the scaffold he delivered a long speech with a firm voice and much animation. He indignantly repelled the foul calumnies which had been uttered against his religion at his trial, and asserted his own innocence in the most energetic terms. He declared on his salvation that he had never in his life spoken to either Oates or Turberville, nor more than twice or thrice to Dugdale, and then only on trifling matters, and always in the presence of others<sup>‡</sup>. Falling on his knees he pronounced aloud a prayer composed for the occasion, and rising, once more protested his innocence. The spectators listened to him with bare heads, and answered with cries of "We believe you, my lord—God bless you, my lord!" Having embraced his friends, he knelt down and stretched himself on the block. The executioner poised the axe in the air, as if he were taking aim; but suddenly checking himself,

\* If we may believe Echard (p. 1035), "lord Russell's zeal against lord Stafford transported him so far, that he was one of those who, with He-thel, Cornish, &c. questioned the king's power in allowing that lord to be only beheaded." In another place he says that Charles, alluding to this, said, when he granted the same mitigation to him after his condemnation, "My lord Russell will now see that I have a power to change his sentence." Id. p. 1034.

† See "The Speech of Wm. late Lord Viscount Stafford, London, printed for Wm Bailey, 1680." Four drafts of this speech, in the hand of the unfortunate viscount, are in the possession of lord Stafford.

brought it down again to his feet. Lord Stafford, raising his head, inquired the cause of the delay; and was told that he waited for a sign: "Take your own time," he replied; "I shall make no sign." "Do you forgive me," "sir?" said the executioner. "I do," was his reply. After this short dialogue he resumed his former posture, and at one stroke his head was severed from the body. The spirit with which he had defended himself at his trial surpassed the expectations of his friends and confounded the hopes of his enemies; and his christian piety and fearless deportment on the scaffold confirmed the growing opinion of his innocence. The patrons of the plot derived no benefit from his death \*.

\* Trial, 218. State Trials, vii. 1563-1568. Burnett, ii. 266. Echard, 997. Retesby, 112. The last winter, a few days before (Dec. 24), attended the king's *couchée* for two hours. Charles "seemed quite free" from care and trouble, though one would have thought at this time he should have been overwhelmed therewith: for every body now imagined "he must either dismiss the parliament in a few days, or deliver himself up to their pressing desires; but the straits he was in seemed no ways to embarrass him." P. 110.

## CHAPTER IV.

## CHARLES II

Project of limitations—Violence of the house of commons—Dissolution of parliament—New parliament at Oxford—Rejection of expedients—Impeachment of Fitzharris—Dissolution—Trial and execution of Fitzharris—of Plunkett—of College—Discharge of Howard, Rouse, Shaftesbury—Affairs of Scotland—Parliament—Argyle refuses the test—Is tried, condemned, and escapes—Flight and death of Shaftesbury—Rye-house plot—Executions—Lord William Russell—Colonel Sydney—Pardon of Monmouth—Power of the duke of York—Intiguers of Halifax—Death and character of Charles.

THOUGH Charles by his spirited opposition to the bill of exclusion had proved his determination to support the interests of his brother, there were many who, judging from his poverty, his love of ease, the facility with which he changed his resolutions, and the ingenuity with which he vindicated those changes to his own satisfaction, ventured to predict that after a short struggle he would, according to his custom, yield to the importunity and perseverance of his opponents. Under this persuasion the exclusionists continued to appeal to the public in behalf of their favourite measure, by the circulation of pamphlets, speeches, and addresses, and at the same time laboured to make an impression on the mind of the king by the representations of his ministers, of his mistress, of his nephew, and of his allies. 1. Sunderland and Godolphin ceased not to inculcate that his pecuniary wants imposed on him the necessity of propitiating his opponents in parliament. 2. The duchess of Portsmouth, as often as he sought relief from care in her company, harassed him with the repetition of her fears and misgivings. 3. The prince of Orange had not,

indeed, the face to advocate openly the exclusion of a prince who was his uncle and father-in-law ; but he sufficiently manifested his real wishes, by imploring the king on the one hand to come to a good understanding with his parliament, and on the other to refuse every project of a bill of limitations, because such a bill would necessarily subvert the very foundations of the monarchy \*. 4. The Spanish ambassador represented to him the unjust and ambitious views of the French monarch, and lamented, but in guarded and respectful terms, those internal dissensions, which rendered the king of England unable to attend either to his own interest or to that of his allies. 5. Last of all came the Dutch ambassador, with a long and laboured memorial, in which the States-general declared, that they were at last compelled to speak out by the danger to which they were exposed ; that they had endeavoured to please him, till they had drawn upon themselves the enmity of other powers ; that the king of France was manifestly aiming at the conquest of the Spanish Netherlands, and of the Dutch commonwealth, while the king of England, from whom they had a right to expect assistance, had tied up his hands by dissension with his parliament, and thought proper to sacrifice the welfare of Europe, of all the protestant powers, and particularly of the United Provinces, "for so uncertain a matter as a future succession." It was not their office to dictate his conduct to him ; but they certainly might pray that, if he were resolved to sacrifice his kingdom, his royal person, and the union of his subjects, he would say so at once, that they might know what they had to expect, and might devise some means to save from destruction the republic and the poor people committed to their care. The tone of this instrument was offensive to the feelings, injurious to the character of the king. He complained of it in strong and resentful language to the States, by whom it

was immediately disavowed; and Charles, after some investigation, believed that he had traced it to its real authors, Sunderland, and Sydney the ambassador at the Hague, on one part, and the prince, and Fagel the pensionary, on the other. It failed of its intended effect. Instead of intimidating it offended, and resentment impelled him to refuse what otherwise his indolence might perhaps have conceded\*.

The bill of limitations, to which the prince of Orange alluded, was the work of lord Halifax, who sought by this expedient to win the friendship, or ward off the vengeance of those whom he had made his enemies by his successful stand against the bill of exclusion. Under his guidance the house of lords spent the rest of the session in framing a bill for "the security of the protestant religion;" and in the committee, which sat from day to day, it was proposed that an association of protestants should be formed to watch over the king's life, and to revenge his death on the papists, if he should perish by poison or violence; that all catholics whose rental exceeded 100*l.* per annum should be banished for life†, a clause which offered so many difficulties in the detail, that it was postponed for future consideration; that the duke of York should be disabled from holding office in England, or any country dependent on the crown of England; that at the king's

\* The memorials of the Spanish and Dutch ambassadors are in Ralph, i. 548—551. See also d'Avaux, i. 59 62, 63 James, i. 641—643. The complaints against Louis grew out of the new claims which he advanced under the heads of "reunions" and "dependencies." He had established two chambers of justice at Brisac and Metz, which adjudged to him as lord of Alsace and of the three bishoprics of Metz, Toul, and Verdun, all the fiefs, which formerly belonged to the ancient lords of those countries, though separated from them centuries before. By those "reunions" the kings of Sweden and Spain, the elector of Treves, the count palatine, and several princes and prelates were forcibly dispossessed of their ancient rights. The "dependencies" were questions respecting the limits of the territories belonging to the places which the kings of France and Spain had restored, or ceded by the treaty of Nimueguen. and as these limits were not specified in the treaty, Louis determined them according to his own interest, and took possession by force. Of the injustice of his pretensions under these two heads no doubt can exist.

† This was a favourite project with Halifax James (Memoirs), i. 594

death the parliament then in being, or, if none were in being, the last parliament should sit for six months; that neither James himself, nor any catholic successor, should possess any negative voice on bills passed by the two houses; that the right of treating with foreign states, and of appointing to all offices, civil, military, or ecclesiastical, should be reserved to the parliament, while it was sitting, or to a council of forty-one individuals at other times. that the duke of York should be liable to the penalties of treason if he came to England during the king's life, and to the forfeiture of all his property if he resided within 500 miles of the British shores. When these limitations were communicated to James, he rejected them with indignation and scorn. They might leave him the title, but they stripped him of the power of king. They made the monarch a mere pageant, and converted the monarchy into an oligarchy. He wrote to his brother, reprobating the plan in the most vehement language; he conjured him to be on his guard against his republican advisers, and he ceased to consider as his friend the statesman by whom the limitations were devised\*.

The loss of the exclusion bill provoked much angry discussion in the house of commons. Some charged the bishops, who opposed it, with having "torn out the bowels of their mother the church;" lord Russell declared that if his own father had voted against it, he would have been the first to have impeached his parent of high treason; many called for the immediate banishment of all catholics of property, whether men or women; and others maintained that popery was "so clenched and riveted among us," that neither God nor man could prevent it from being established in the kingdom†. With their passions thus excited the commons proceeded to gratify their vengeance. At the commencement of the session they had very justly resolved that to petition

\* L. Journ. xiii 684-740. James (Memoirs), i. 635.

† Parl Hist 1234-1251. Echard, 1000



for the sitting of parliament, or the redress of grievances, is the right of the subject: and now, under the pretence of vindicating that right, they scrupled not to invade other rights still more valuable. By their orders the chief of the "abhorrrers" were dragged from their homes in distant countries, brought as delinquents to the bar, and committed to prison during the pleasure of the house. But these arbitrary and illegal arrests were at last checked by Stawell, chairman of the grand jury of Devonshire, whose offence consisted in the delivery of an address to the judges at the assizes. He set the messenger at defiance; he knew of no authority in the commons to arrest him for doing his duty; and the house, to escape from the difficulty, allowed him a month for his appearance under the pretence that he was indisposed\*. At the same time they instituted a severe inquiry into the administration of justice. They presented an address for the removal of Jeffreys, the recorder, who had the good sense to propitiate his enemies by a speedy resignation†: and they voted impeachments against Scroggs and North, the two chief justices, against Jones, a puisne justice of the king's bench, and against Weston, a baron of the exchequer. That these prosecutions originated in political resentment cannot be doubted: yet they proved beneficial to the country, by reminding these petty despots (for such at that period they generally were in the courts of law), that there existed a higher authority than themselves, watchful of their conduct, and ready to punish their ex-

\* Compare the Journals, Nov. 20, Dec. 4, with North, Examen, 561. This put a stop to the arrests of "abhorrrers," and the name of Stawell became a standing toast at the tables of the courtiers.

† Though Charles was displeased at the pusillanimity of Jeffreys, he good-humouredly observed, that the recorder was not "parliament-proof" Tieby, a whig, succeeded. Soon after, at a court for registering freemen, Bethel the sheriff, in right of his office, named the duke of Buckingham, and Cornish, the other sheriff, was prepared to name the earl of Shaftesbury, had not the court of aldermen declared Buckingham ineligible. The intention was to make these noblemen freemen, and afterwards lord mayors. See Seymour's letters in Macpherson, i. 112, and James (Memoirs), i. 651.

- orbitances. But from the judges the house descended to notice the sermons and private discourse of an obscure curate, who had the temerity to call in question the virginity of queen Elizabeth, the patriotism of Hampden, the loyalty of the petitioners, and the reality of the plot. For these four heinous offences Richard Thompson was brought up from Bristol : his answers at the bar did not
- Dec. give satisfaction ; and a committee was appointed to impeach the heterodox divine. But Charles requested their attention to his wants ; he was ready to assent to any measure of security consistent with the legal descent of the crown ; and demanded to know in return what assistance he might expect from his people. After some violent resolutions an address was presented stating the dangers to be apprehended from the succession of the duke of York, praying the king to recede from the limitation expressed in his speech, and promising on his compliance to furnish him with money for the equipment of the fleet, and the preservation of Tangier. Charles replied, that he did not stand alone, for his objections to the bill of exclusion had been confirmed by the judgment of the house of lords : but the carriage of this answer was successively declined by Jenkins \*, Carl, and Godolphin ; and its delivery by Temple provoked the
1681. Jan. 4. following resolutions : that unless the duke of York were excluded, there could be no safety for the government, the life of the king, or the protestant religion : that in such circumstances the house could not conscientiously vote any supply to his majesty ; that the marquess of Worcester, the earls of Halifax and Clarendon, the advisers of the last answer, and the earl of Feversham, were promoters of popery, and enemies to the king and kingdom ; that Worcester, Feversham, Lawrence Hyde, and Seymour (he had been called to the council, and warmly advocated the rights of the duke of York), ought

\* Jenkins was son of a Welsh yeoman, had gradually risen to the office of judge of the prerogative court of Canterbury, and was made secretary in 1680

to be removed from public employment, and from his majesty's presence; and that every man who should lend money to the king upon any branch of the revenue, or accept or buy any tally of anticipation, should be adjudged to hinder the sitting of parliament, and be made responsible for the same in parliament. These votes alarmed the royal advisers, and Charles, in concurrence with their opinion, determined on a dissolution. But whatever passed in the council was immediately communicated to the leaders of the opposition; the commons met at an early hour the next morning, and under the excitement of passion and vexation a series of factious and intemperate resolutions was hastily adopted. They voted that the advisers of a prorogation were traitors to the king, to religion, and the kingdom, promoters of the French interest, and pensioners of France; that the city of London was burnt in 1666 by the papists for the introduction of popery and arbitrary power: that his majesty should be addressed to restore the duke of Monmouth to the offices of which he had been deprived by the influence of the duke of York; and that the enforcement of the laws against dissenters was an encouragement to popery. At this moment the black rod summoned the members to wait on the king in the house of lords: the speaker rose and followed him; and the lord chancellor, by the royal command, prorogued the parliament for the short space of ten days. A petition, that it might be allowed to sit again at the expiration of that term, was hastily presented from the city: but Charles adhered to his resolution; and a proclamation was published, dissolving the parliament, and calling another to meet at Oxford at the end of two months\*.

This selection of Oxford disconcerted, perhaps alarmed, the popular leaders. It would deprive them of the powerful aid which they derived from the agency of

\* Temple, ii. 536, 537. C. Journ. Oct 30, Dec 15 20, Jan 4 7 10  
L. Journ. xiii. 743. Somers, Tracts, viii. 143 State Tracts, ii. 123

several clubs, and of a numerous faction in the city, and would remove them to a place, where they hardly possessed a single partisan, and where the fidelity of their followers might be shaken by the offers of the court, or subdued by the presence of the military. Pamphlets in condemnation of the measure issued from the press; the aid of supernatural apparitions was employed\*; and a petition to the king, remarkable for the boldness of its language, was subscribed by sixteen peers, and presented by lord Essex. It attributed the choice of Oxford to the counsels of wicked men, favourers of popery, promoters of French interests, and enemies to the happiness of England: it stated that in such a place the two houses would be deprived of freedom of debate, and exposed to the swords of the papists, who had crept into the ranks of the king's guards; and it therefore prayed and advised that the parliament might be held at the accustomed place in the city of Westminster. Charles instantly replied, "That, my lord, may be your opinion; "it is not mine:" and soon afterwards sent the secretary to demand the names of the catholics who served among his guards. Essex was not prepared to answer that question: he knew of none: yet the petition was published in the very words, in which it had been presented; and the falsehoods which it contained were circulated through the kingdom. In opposition the earl of Halifax published a tract under the title of "A Seasonable Address to both Houses of Parliament concerning the Succession, the Fears of Popery, and Arbitrary Government." It was written with apparent candour, but severely arraigned the motives of the petitioners, and

Jan.  
25.

\* A figure, supposed to be the mother of Monmouth, appeared to Elizabeth Freeman, of Hatfield, on the 24th of January, and said, "Sweet heart, the 15th of May is appointed for the royal blood to be poisoned." The next day the same apparition said to her, "Tell King Charles from me, "and bid him not remove his parliament, and stand to his council." on the following, "Do your message." This tale she swore before two magistrates, who sent it to the king. At the same time it was printed, and spread over the kingdom. See Ralph, 562.

charged them with sacrificing the tranquillity of the country to the resentment of disappointed ambition\*.

The interval was employed by the king in endeavours to escape from the difficulties, in which he found himself entangled. By his command every individual, believed to possess any influence with the duke of York, advised, conjured, that prince to take the tests, and conform to the established religion. But James was inflexible. He could not, he said, yield to the royal wish with a safe conscience, or in sound policy. The reasons which originally withdrew him from the church of England forbade him to return; nor would his conversion at this period be thought sincere, but, instead of disarming his enemies, would furnish them with a new weapon, the charge of hypocrisy, of attempting to impose by a feigned conformity on the credulity of protestants. From James the king, according to the advice of that prince, turned his eyes towards the French monarch, but insisted that the first step should be made by his brother, who represented to Louis his own forlorn condition, and earnestly solicited his protection. If that monarch listened to his prayer, it was not through feelings of compassion, but through considerations of personal interest; for he saw that a reconciliation between Charles and his opponents would be followed by an offer of aid to the king of Spain. In a short time it was agreed that the French king should pay to his English brother a subsidy of 2,000,000 Mar. of livres for the current year, and of 500,000 crowns for 14 the two following years, and that Charles should gradu-

\* If we may believe him, the two great pillars, as they were reputed of the protestant religion, Buckingham and Shaftesbury, had no religion at all. Essex had joined their party, because he could not obtain the treasurer's staff, or the government of Ireland, Shaftesbury, only a few months before, had offered his services to the duke of York, if he might be restored to the office of Chancellor; the earl of Bedford, "whose son (lord Russell) in the other house was the great tribune of the people, would have had a dukedom added to the garter, to make both sing to another tune," sir William Jones, su Francis Winnington, colonel Titus, &c. &c. "were disobliged, and, if taken into favour, would stand up for the court, as much as they now do against it." Somers, Tracts, viii. 222 See the petition in State Tracts, ii. 122.

ally withdraw himself from the Spanish alliance, and not permit himself to be led into measures incompatible with his present engagement. This was a most singular treaty. No man was privy to it but Charles and Hyde on the one part, and Louis and Barillon on the other. No signature was required: even the terms themselves were not reduced to writing; each prince was satisfied with the verbal obligation of the other contracting party\*.

- Mar On the very day of this agreement Charles proceeded  
 14. to Oxford, escorted by a troop of horse guards: the earl  
 17. of Shaftesbury, the representatives of the city, and the chief of the popular party followed, armed themselves, and attended by armed men, wearing round their hats a ribbon with the inscription "No popery, no slavery." Their unusual appearance excited surprise and suspicion. They were charged with the secret design of placing the sovereign in durance, till he should assent to their demands; but replied that they had no other object than to protect themselves, in the case of aggression by an armed force†.

- 21 The king, secure from the apprehension of poverty by his recent treaty with France, addressed the two houses with the tone and authority of a sovereign. He adverted with some show of bitterness to the unwarrantable proceedings of the last parliament. He did not claim arbitrary power himself, nor would he permit it to be exercised by others. He had called them before him that he might give one proof more of his readiness to concur in any reasonable measure for the security of religion and property. He was willing to assent to any expedient, by which, in the event of a catholic prince succeeding to the throne, the administration of govern-

\* James (*Memoirs*), i 664 Dalrymple, 191—301. Hume, note to chap. lxix. Though James and the earl of St. Alban's were employed, the one by Charles, the other by Louis, there is reason to believe that they were kept in complete ignorance of the real treaty between Hyde and Barillon.

† North, 100—102 Dalrymple, 294. Reresby, 120. Burnet, ii 274, note a.

ment might be retained in the hands of protestants. But, as he had always made the law the measure of his own conduct, he had a right to insist that *they* should make it the measure of theirs. He would never consent that unnecessary fears should be a pretence for the subversion of the ancient government, nor would he ever depart from his resolution of keeping the succession unbroken.

The expedient, the promised substitute for the bill of Mar. exclusion, which had been suggested by Halifax, and 24. approved by Charles, was immediately laid before the house. It proposed to allay the jealousy of the anti-catholics without interrupting the descent of the crown, by enacting that James duke of York should be banished to the distance of five hundred miles from the British dominions during the term of his natural life, that on the death of the reigning monarch he might assume the title of king, but that all the powers of government should be transferred to a regent, to be exercised by that regent in the name of the absent prince; that the regency should belong in the first place to the princess of Orange, and after her to the lady Anne, and if James should have a legitimate son educated in the protestant faith, should continue during the minority of such son, and no longer; and that at the same time all catholics of considerable property should be banished by name, the fraudulent conveyances of their estates should be defeated, and their children should be taken from them, that they might be bred up in the doctrine of the established church\*.

The king had persuaded himself that this expedient would satisfy the opponents of his brother. By it he yielded the substance of their demands. James, indeed, would inherit the title of king, but it was a mere title, without a shadow of power, or the means of acquiring it; and his banishment, with the banishment of the principal catholics, and the protestant education of their

\* See it in Ralph, 577; and Life of James, ii. London, 1703. App. p. 44. Reresby, 117.

children, promised a security against the establishment of popery, sufficient to have tranquillized the jealousy of the most timid, and to have appeased the zeal of the most intolerant. But when the Whig leaders looked around them, and saw the benches covered with the same persons who had supported them in the last parliament, they were betrayed into an overweening confidence of victory, and, whatever might be the motives by which they were privately actuated, undertook to compel the king to assent to their own measure of total exclusion. They maintained that, except in cases of physical or mental incapacity, the exercise of the regal power was inseparable from the possession of the regal title; that according to the doctrine of the lawyers the crown takes away every civil disability; and that of course, if the duke of York ever became king, he would have an indefeasible right to the sovereign authority. Their adversaries replied that similar arguments might be employed with equal force against the bill of exclusion. If the power could not be separated from the title, how could the title be separated from the right of governing? If James could be treated as civilly dead, and the title on that account be given to another, why might he not be treated as physically incapable, and the power on that account be transferred to another? After a debate, however, of two days in the house of commons the expedient was rejected, and a resolution passed to bring in a bill which should disable James duke of York from inheriting the imperial crowns of England and Ireland, and the dominions thereunto belonging\*.

Mar.  
26.

But here it will be necessary to interrupt the narrative, and call the reader's attention to a dark and mysterious intrigue, the work of two obscure individuals, Fitzharris

\* C. Jouin. March 24. 26 Burnet, ii. 269. Parl. Hist. iv 1308. 1317—1332. It was repeatedly asked in the house why, if religion were the real cause of exclusion, the bill should apply personally to the duke of York, and not generally to every catholic successor? An amendment to that effect was moved, but was rejected on the suggestion of Hampden, that by aiming at too much, they might perhaps lose all. Somers, Tracts, viii. 257. Parl. Hist. 1332.



an Irish, and Everard a Scottish adventurer. They originally became acquainted as volunteers in the French army, and both met some years later in London, to which city each had returned in the hope of bettering his fortune. Fitzharris married the daughter of a naval officer, who had perished in the service of his country; his cousin Mrs. Wall had obtained the important situation of confidential servant to the duchess of Portsmouth; and a pension of 200*l.* granted by the king to his wife in consideration of her father's death, together with the influence supposed to be possessed by his cousin, taught Fitzharris to attach himself to the interests of the court. He watched with care the secret manœuvres of the opposite party, made important discoveries respecting a libel entitled "The King Unveiled," brought to the duchess the first information of the design to impeach her, set on foot the negotiation between her and the lord Howard, and obtained from the king, as a proof that his services were not unwelcome, a remuneration of 200*l.* or 250*l.* Everard was less fortunate. He had scarcely reached London, when he was committed to the Tower on a charge of conspiring to poison the duke of Monmouth; nor did that nobleman consent to his enlargement till the expiration of four years, when Everard offered to bolster up by his evidence the declining credit of the popish plot. He accordingly made his deposition before sir William Waller, was admitted to read his "narrative" in presence of both houses, and claimed as his own the merit of one or two scurrilous pamphlets against the administration. Soon after the dissolution it was agreed between these worthies to publish, preparatory to the meeting of the new parliament, a libel with the title of "The True Englishman speaking plain English," which should charge the king himself with being the accomplice of the duke of York, and should summon all true protestants to unsheathe the sword, and stand by the parliament against the two popish princes. The substance was furnished in notes by Fitz-

Feb.  
21.

harris; the language and arrangement were intrusted to the superior talent of Everard. There is reason to believe that the sole object of each, in the composition of this work, was to obtain credit and reward by betraying his associate. As soon as it was finished Fitzharris Feb. 28. hastened with a copy to the lodgings of the duchess, but was unable to obtain admission. Everard, more astute, Mar. 1. had secreted witnesses in his room during their interviews: the next day one of these, sir William Waller, laid an information against Fitzharris before the council; and the unlucky intriguer was apprehended, examined, and committed to Newgate.

In prison it was either suggested, or it occurred to him, that his case was not yet desperate: there still remained an expedient which had saved many of his brethren from the gallows: he might turn informer against the duke of York and the catholics. His willingness to give evidence was mentioned by Cornish, the sheriff, to the king, and the two secretaries were ordered 6. to take his examination. He deposed, in substance, 8. that the murder of the king was a matter determined on in the councils of the papists; that he himself had received an offer of 10,000*l.* to undertake the task, from Montecuculli, the late agent of the duchess of Modena; that the French army in Flanders was designed to land in England, while another army under Marshal Bellefonds should sail to Ireland, both in support of the catholic cause; and that it was proposed, in case of success, to boil down the bodies of the protestant leaders, and make of them a *sainte ampoule* for the coronation of future catholic monarchs. This information was too important to be left to the discretion of the secretaries: 10. two days later Treby, the recorder, and alderman Clayton, who had distinguished themselves by their zeal in the prosecution of the plot, visited Newgate, and in their capacity of magistrates took a second time the prisoner's deposition. It was intended to make Fitzharris act the same part as Dangerfield had done in the last parlia-

ment, and to aid the progress of the bill of exclusion through the two houses by the excitement which might arise from the disclosures of the new informer. Charles saw, and resolved to defeat, this object. To cut off all access to Fitzharris, he was transferred from Newgate to the Tower; and to prevent him from being brought to the bar of either house, the attorney-general received instructions to proceed against him for high treason in the court of King's Bench\*.

But the ingenuity of the Whigs proved a match for that of the cabinet. At Oxford, on the first mention of the bill of exclusion, the examination of Fitzharris taken by Clayton and Treby was read to the house of commons; and it was contended that his intrigue with Everard was nothing less than a continuation of the "old popish plot for the destruction of protestantism;" that it had been the intention of those by whom the prisoner was employed, to send a copy of the treasonable libel to each of the popular leaders, and then to apprehend as traitors every individual in whose possession such copy might be found; and that the sole motive for the incarceration of the libeller in the Tower was to stop his mouth and suppress the knowledge of this execrable design. But would the commons suffer themselves to be cheated in this manner? Let them impeach Fitzharris before the lords: he would then have the opportunity of declaring the truth, and the whole mystery would be explained. The suggestion was immediately adopted; and the victorious party in the wantonness of triumph resolved that secretary Jenkins, who had signed the warrant for his committal to the Tower, should carry

Mar.  
25.

\* For these particulars see the Narratives of sir Robert Walsh, 1679, the Depositions and the Narratives of Mr. Edmund Everard, 1679; the examination of Edward Fitzharris, in C Journ March 25, 1681; Hawkins, Confession of Edward Fitzharris, 1681; Hawkins, Discourse with Fitzharris in the Tower, 1681; The Englishman speaking plain English, in State Trials, viii 307; and Parl. Hist. iv. App. 123. Bunnet, ii 271. James (Memoirs), i 668, 669. The reader will observe that I have confined myself to a plain relation of facts, without noticing the opposite interpretations put upon them by the adverse parties.

up the impeachment to the house of lords. With reluctance he obeyed, but was followed by the attorney-general, who produced both the order of the king for the prosecution, and the indictment, which in consequence of that order he had prepared\*.

In the house of lords the question was argued with vehemence and obstinacy. By the Whigs it was maintained that the commons had in all ages exercised the right of impeachment against any subject; that an impeachment was at the suit of the people, an indictment at that of the king: wherefore, as the house of lords was the only court in which the people could sue, to reject the impeachment would be a denial of justice; and that, inasmuch as the peers in cases of impeachment proceeded in virtue of their judicial not their legislative authority, they had no more right to reject a legal complaint brought before them, than the judges in Westminster Hall, or in any other court. On the other side the lord chancellor produced from the rolls an accord made before Edward III. in full parliament, stating that the judgment given by the lords against the murderers of Edward II. should never be drawn into a precedent, by which they might afterwards be compelled to judge any others than peers; and the house, founding its decision on this instrument, resolved that "Fitzharris should be proceeded with according to the course of common law, and not by way of impeachment in parliament at that time†." This answer set the house of commons in a flame: they declared by successive votes that it amounted to "a denial of justice, a violation of the constitution of

\* C. Journ. March 25. L. Journ. xiii. 755. Parl. Hist. iv. 1313—1317.

† L. Journ. 755. In the house of commons it was contended that this accord meant nothing more than that the lords should not be called upon to condemn the accused in their absence, as they had done in that instance. Such most certainly could not be the real meaning of the original. yet so many centuries had elapsed since the lords had availed themselves of the accord, that it might fairly be considered as no longer in force. The fact, however, was, that neither party cared for privilege or precedent. The impeachment arose not from the quality of the offender or of his offence, but from a wish to take the prosecution out of the hands of the court, and the real ground of the refusal to receive the impeachment was a desire to prevent the commons from interfering with that prosecution.

“parliament, and an obstruction to the further discovery of the popish plot; that if any inferior court should proceed to the trial of Fitzharris, it would be guilty of a high breach of the privileges of the house of commons;” and ordered that bills should be brought in for the better uniting of all his majesty’s protestant subjects, and the banishment of “the most considerable papists of England by name\*.”

The popular party, founding their hopes on their notion of the king’s pecuniary distress, and the assurances of some in the council, had promised themselves a long session, and a certain victory. Charles on the contrary had determined in his own mind to make the duration of parliament depend on the adoption or rejection of “the expedient:” and it so chanced that the vote respecting the bill of exclusion and the dispute respecting Fitzharris followed each other on the same day, a circumstance of which he dexterously availed himself, to conceal from the notice of his adversaries the measure which he had in contemplation. During the Saturday, the day of debate, he repeatedly visited and directed the workmen in the public theatre, to which it was intended that the commons should transfer their sittings; on the Sunday he made the accommodation which he had provided for them the frequent subject of his discourse; and at an early hour on Monday morning hastened in a Mar. chair, followed by a second chair containing the royal 27. robes, to the house of lords. Not a whisper of his intention had been heard; not a suspicion had been raised in the minds of those by whom he was surrounded and watched; even the duchess of Portsmouth, in whose apartment by means of a private communication he spent much of his time, was kept in complete ignorance. The commons, having ordered the second reading of the exclusion bill, were listening to a learned argument of sir William Jones on the accord of the 4th of Edward III., when the usher of the black rod summoned them to the

other house. They found the king seated on the throne : he told them briefly that no good end could be expected when the very beginning was marked by dissension between the two houses ; and immediately the chancellor by his command dissolved the parliament. The surprise, the disappointment, the rage of the leaders may be conceived. Shaftesbury called on his friends not to quit the house : let them stop and sign a protest against the dissolution : he sent to the commons, entreating them to wait, for the lords were still sitting. But all his efforts were fruitless. The popular party in the lower house gradually withdrew, and the Whig lords, deprived of support from them, abandoned the attempt. Charles mounted his carriage, was met on the road by a party of his guards, and proceeded to Windsor with a rapidity which had the appearance of flight, and gave birth to a notion that this hasty dissolution had been provoked by the discovery of some dangerous conspiracy against his person, originating with the opponents of the court\*.

Such was the abrupt termination of this, the last, parliament in the reign of Charles II. ; and it may be considered a fortunate circumstance for the country that it

\* See *L. Journ.* 757. *Reresby*, 120. *North*, 104. *Macpherson*, i 116. *Royal Declaration of April 8.* *Lord Grey's Confession*, 12, 13 14. By the dissolution the king spared himself the trouble of a dispute with both houses. In the last parliament a bill had been passed by the lords and commons repealing the 35th of Eliz. c. 1 (Vol. viii. 303), the act for the suppressing of "sectaries" or protestant recusants. According to the chancellor "it had never been put in execution that he heard of but once, and "was judged by most lawyers to be expired till the act of uniformity." Several of the bishops however defended it as "the only means the church "had now left to rid herself of schism." The bill of repeal ought to have been presented to the king for his assent on the last day of the last parliament : but, before he entered the house, he sent for the clerk, and, having consulted a while with lord Halifax, ordered him to leave that bill behind, and to present the others. To these he gave his assent, and immediately prorogued the parliament. At Oxford, lord Shaftesbury did not fail to denounce this proceeding as a new kind of veto ; and on his motion the lost bill was twice read, and the clerks of the crown and of the parliament were examined before the house. The commons took up the question with equal spirit, contended that the subtraction of the bill was a violation of the constitution, and proposed a joint committee of the two houses, to discover the guilty, and to bring them to condign punishment. This was on the Saturday : on Monday the king dissolved the parliament. See *Journals*, xii. 717, 19 48 51 56 and *Locke's letter* of 26 March, 1681, in *Mr. Cooke's life of Shaftesbury*, ii. 270.

never brought to a termination the important question of the succession. James was not of a temper to acquiesce either in the expedient or the exclusion: he would have appealed to arms in defence of what he considered his right; and so profound was the reverence felt for the principles of the ancient constitution, so strong the prepossession in favour of the divine right of hereditary succession, that he would have found multitudes ready to draw the sword in his cause. Had he succeeded, he would have come a conqueror to the throne, armed with more formidable authority than he could have possessed in the ordinary way of inheritance; and if he had failed, there was reason to fear, from the political bias of the popular leaders, that the legitimate rights of the sovereign would have been reduced to the mere name and pageantry of a throne. It is probable that the dissolution preserved the nation from a civil war, and from its natural consequences, the establishment of a republican or of an arbitrary government.

In a few days the king published, at the suggestion of Halifax, a declaration of the causes which induced him to dissolve the two last parliaments\*. After an enumeration of the several offers which he had made, offers calculated to satisfy any reasonable man, yet received with expressions of discontent, and answered in a tone of crimination and reproof, he summed up the offences of the house of commons, their illegal and arbitrary orders, by which they had taken Englishmen into custody for matters that bore no relation to parliamentary privilege; their declaration that several distinguished individuals

\* Aware that he would be accused of favouring the catholics by this dissolution, Charles on the same day declared in council his resolution that the laws against popery should be rigorously executed. The announcement filled archbishop Sancroft, who was present, "with satisfaction and joy," and by a circular to the other bishops he called upon them, to consider "how acceptable it would be to Almighty God to assist his majesty "in his pious purpose of reducing the papists to the bosom of the church, "or driving them out of the kingdom:" and he therefore required his brethren to watch over the due execution of the three canons of king James, providing for the conversion or punishment of recusants. *Wilk.* iv. 608.

were enemies to the king and kingdom, on bare suspicion, without hearing proof against them or admitting them to their defence; their unconstitutional vote that all persons who should lend the king money in anticipation of his revenue, should be responsible for such conduct to parliament; their usurpation of the power of suspending the law by resolving that the prosecution of the penal statutes against dissenters was an encouragement to popery; their obstinacy in rejecting all "expedients," and insisting on the exclusion of the duke from the succession; their design of making important changes in the government of the realm; and their endeavours to create a quarrel between the two houses, by pronouncing the lords deniers of justice, because the latter would not consent to interrupt a prosecution which the king had ordered. This declaration was read in all the churches: the people learned from it to look upon the sovereign as an injured man, oppressed by a party whom no concessions would satisfy; and addresses expressive of attachment to his person, and of confidence in his government, were presented to him from all quarters of the kingdom\*.

It was not to be expected that the popular leaders would sit down tamely under these imputations. To the declaration they opposed an eloquent and powerful reply, under the title of "A just and modest Vindication of the Proceedings of the Two last Parliaments," the joint production of Sydney, Somers, and Jones, men capable of imparting strength to a weak, and of ensuring victory to a righteous, cause. They professed to refute each particular charge; and it must be confessed that

\* Kennet, 398. The following extract from the speech made by the vice-chancellor of Cambridge to the king in the name of the university, may give some notion of the sentiments of the addressers. "No earthly power, we hope, nor menaces, nor money, shall ever be able to make us forget our duty. We will still believe and maintain that our kings derive not their titles from the people, but from God, that to him only they are accountable: that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so by a hereditary mental hereditary right of succession, which no religion, no law, no fault, no forfeiture can alter or diminish." *Wilk. Concl.* iv. 607.



assuming, as they did, the truth of the informations sworn by Oates and his fellow-labourers, their reasoning is always plausible, and frequently conclusive\*. It failed, however, to persuade the nation. The plot had long, though slowly, been falling into discredit; in proportion as the first excitement died away, men began to wonder at their own credulity in believing such a mass of improbabilities and fiction; and the insulting language, the arbitrary arrests, the passionate and unprovoked resolutions of the house of commons, joined to the known connection between the leaders and the presbyterian party†, forcibly recalled to the public mind the proceedings which led to the civil war in the reign of the first Charles. The tide of popularity had turned: it now ran in favour of the court; the fear of republicanism banished that of arbitrary power; and the demagogues, who for so many years had bidden defiance to the authority, now began to quail before the resentment, of the sovereign.

Charles was not slow to display his contempt for the votes of the late house of commons, by ordering the attorney-general to proceed with the trial of Fitzharris. That adventurer still clung for protection to the popular leaders, and sought to interest their passions in his favour by a succession of disclosures, some of them charging with treason or other offences sir Richard Bellings, some the earl of Danby‡, and others the queen and the duke of York. By their advice at his arraignment he pleaded the impeachment in bar of the jurisdiction of the court of King's Bench; and immediately all the legal talent of the party started forth in his defence, not, it was pretended, for the purpose of shielding him from punishment, but to preserve the rights of

April  
27  
May  
4  
7  
11.

\* Parl. Hist. iv. App. No. xv.

† See different bills in favour of the dissenters brought into parliament C. Journ. Dec. 15, 16 24, 1800 Jan. 3, 1801.

‡ A true bill was found on his testimony against the earl of Danby for the murder of Godfrey. But the charge was utterly incredible. Fitzharris had never mentioned it before, when he affirmed that he had stated everything that he knew. James (Memoirs), i. 684. Burnet, ii. 278.

the people by maintaining the privileges of parliament. As the commons of England had impeached Fitzharris before the house of lords, they contended that no inferior court could withdraw the cause from the cognizance of that, the highest tribunal in the land. The crown lawyers did not fairly meet, they endeavoured to elude the objection. The impeachment, they said, lay for treason in general; it specified no particular act; and the court had no means of knowing that the offence laid in the indictment was the same as that intended by the impeachment\*. After several hearings, Pemberton, the chief justice†, declared it his opinion, and the opinion of his brethren, that the plea was not sufficient to bar the court of its jurisdiction. The spectators were greatly disappointed. They had come prepared to hear a learned and elaborate judgment; but Pemberton, in the expectation of a severe scrutiny into his conduct in the next session of parliament, deemed it more prudent to abstain from any statement of the reasons on which this judgment was founded‡.

At the trial it was proved beyond contradiction that June Fitzharris had furnished the substance of the libel; and  
 9. his plea, that he had no other object than to procure information for the king, was repelled by the jury. The verdict of guilty opened his eyes to the weakness of the party on whose protection he relied: he endeavoured to retrace his steps; he pretended that the real author of the notes which he gave to Everard was lord Howard, and brought forward his wife and servant to prove his connexion with that nobleman. But these efforts were fruitless: Charles had resolved that the July  
 1. intriguer should suffer; and yet, when hope was extinct, on the very morning of his execution, he gave a written

\* It appears to me that the true question was, whether an impeachment by the commons, *after it had been refused by the lords*, was a bar to the jurisdiction of the court? But this was not noticed in the pleadings on either side.

† Pemberton owed his elevation to the fact that Scroggs himself lay under an impeachment, and was therefore an improper person to try the question. He retired on a pension James, i. 623.

‡ State Trials, viii. 243, 330. North, 287, 288.

confession to the divine who attended him, and at the gallows referred to it as a record of the truth. It stated that he procured the libel for the king's service, that the charge against the lord Howard was correct, and that his depositions before the trial were fables, suggested to him by the sheriffs, and by Clayton and Treby. Little credit is due to one who had always accommodated his testimony to his hopes and his interest: yet it was the confession of a dying man; he had renounced the mercy of God if it were not true, and the impression which it made on the public induced the four citizens whom he had accused to come forward in their own vindication, and to assert that, as far as they were concerned, the statement of Fitzharris was made up of misrepresentation and falsehood\*.

With this informer suffered a much better man, Oliver Plunket, the titular archbishop of Armagh, a prelate whose loyalty had been attested by four successive chief governors of Ireland. He had been thrown into prison on the usual charge of having received orders in the church of Rome; when the promise of reward to informers induced some of the king's witnesses, as they were called, to select him for a principal conspirator in the pretended Irish plot†. But they dared not face the

\* State Trials. viii 330-339. In support of the confession was published "A Narrative, being a true Relation of what Discourse passed between "Dr. Hawkins and Edward Fitzharris, Esq., late prisoner in the Tower," In opposition, a tract called "Truth Vindicated, or a Detection of the "Aspersions and Scandals . . . in a Paper published in the name of "Dr. Hawkins 1681."

† The same was the case with another Irish prelate, Peter Talbot, the catholic archbishop of Dublin. He had formerly rendered important services to the royal brothers during the time of their exile, and in 1673, when Talbot repaired to France, in consequence of a proclamation for the banishment of catholic priests, both had united in recommending him to the favour of Louis. After his return, he was apprehended in an infirm state of health at the house of his brother in the county of Kildare, and committed by the council to Newgate in Dublin (Sept 8, 1678.) It was just after Oates had made his pretended discovery; and Talbot was repeatedly examined with respect to the Irish portion of the plot. Though nothing appeared to criminate him, Charles dared not to show him any favour or sympathy, but allowed him to linger two years in prison, when death released the old man from his sufferings in 1681. See *Hibern. Domini*, 131 710, and Oliver, *Collect* 248.

man, whom they had accused, in their own country : at the trial it appeared that they were gone to England, and Plunket, instead of obtaining his discharge, was compelled to follow them. At his arraignment the chief

3. justice granted him a respite of five weeks to procure evidence from Ireland ; but his messenger was driven back by contrary winds ; his witnesses were delayed by the difficulty of obtaining passports ; the officers in Dublin refused copies of any document without an order from the council in London ; and in consequence of these delays his means of defence did not reach the English coast till the third day after his condemnation. The in-
- June 8. formers deposed against him that he had been raised to the dignity of primate for the purpose of preparing a way for the invasion from France ; that he had made a survey of the coast, and fixed on the harbour of Carlingford for the debarkation of the French army ; that he had collected large sums of money, had ordered musters of all catholics able to bear arms, and had organized a force of seventy thousand men to join the invaders, massacre the protestants, and establish the catholic worship. Plunket replied that his was a most extraordinary case for, had he confessed himself guilty of these offences in his own country, yet an Irish jury must have acquitted him from their personal knowledge that the charge could not by any possibility be true. But he had been brought away from a place, where his own character, the conduct of his accusers, and the state of the country, were known, to be tried before men whose ignorance of all these things rendered them incapable of forming a correct judgment of his guilt or innocence. Had his evidence arrived, he should have shown, that the witnesses against him were men undeserving of credit, apostate friars whom he had punished for their immorality, and convicted felons who had forfeited their reputation. But of such aid it was not in his power to avail himself, because it was still on the road. The only thing which he could now oppose to the oaths of the accusers

was the solemn asseveration of his innocence, and the utter improbability that he had been able to collect sufficient money for the support of an army, when it was well known that he could never raise an income of 70*L.* a-year for his own subsistence. The jury, however, found him guilty, and when the earl of Essex, who had been lord lieutenant of Ireland, solicited his pardon, declaring from his own knowledge that the charge against him could not be true, the king indignantly replied, "Then, my lord, be his blood on your own conscience. You might have saved him if you would. I cannot pardon him, because I dare not." Plunket suffered, and was the last of the victims sacrificed to the imposture of the popish plot; for the day of retribution was now rapidly approaching, and the storm which had so long raged against the catholics, was about to burst on the heads of their oppressors\*.

Of the popular leaders introduced into the council some years before, not one at present remained. The earl of Salisbury had voluntarily withdrawn; Essex and Sunderland, and even Temple himself, had been dismissed; and the statesmen, who possessed the royal confidence, were the lord chancellor, and the lord president, the earl of Halifax, Jenkins and Conway the secretaries, Seymour the late speaker, and Hyde, lately created a vis-Aprilcount†. All these agreed, or appeared to agree, in 23. opinion with the king, that many among their opponents

\* State Trials, viii. 447—500. Challoner, in 461—472. Burnet, in 279.

† James (Memoirs), i. 677. I ought perhaps to notice the arrival of the prince of Orange in England during this summer. His ostensible object was to prevail on the king to unite with Spain and the States in opposition to the encroachments of France; to which Charles objected the disputes between himself and the parliament. The prince held several conferences with the ministers and with the popular leaders under the pretence of effecting a reconciliation, and then departed, as the king believed, with different sentiments from those which he formerly cherished. What passed between him and the opponents of the court, we know not, but when Charles invited him the next year to meet the duke of York, he excused himself on some pretext or other, but, as was believed, because he did not think it for his interest in England to be on good terms with his father-in-law. James (Memoirs), i. 690. 692. Dalrymple, i.—13. D'Avaux, i. 80. 83. 118.

meditated a change of dynasty, if not of government, and that, despairing of success by legal means, they had determined on the employment of force during the late parliament at Oxford. Under this impression the council sought out proofs of their presumed guilt; and many of the same arts which Shaftesbury had practised to prop up the forgeries of Oates, were employed to procure evidence of treason against Shaftesbury and his associates. The witnesses, who hitherto had shaped their testimony at his nod, observed with dismay the recent change of public opinion: they began to fear the punishment of their perjuries from the justice of their sovereign; and, as the price of their safety, they readily devoted their future services to the stronger party. To have refused the offer would have been upright and magnanimous: but it was manifest that these men from their past connexion with Shaftesbury and his friends must have become acquainted with their practices, perhaps with their objects; the hope of discovery and the desire of vengeance prevailed; and to the objection that the depositions of such witnesses would deserve but little credit, it was replied, that the value of their testimony became a question for the consideration of the jury.

The first to experience the effects of this re-action were the lord Howard; College, surnamed from his zeal the protestant joiner; Rouse, the marshaller and leader of the mob from Wapping; and the great agitator, the earl of Shaftesbury; all of whom placed their principal reliance for safety on the protection of the grand juries, returned by sheriffs attached to their party.

- June 1. Lord Howard had been committed to the Tower on  
12. the denunciation of Fitzharris: but there was an important discrepancy between the evidence of the wife and of the servant of the informer, and the grand jury refused to find the bill of indictment. The attorney-general, however, had the address to withdraw it before it had been endorsed; and by this artifice prevented the prisoner, though he claimed his discharge, though he

claimed his discharge, though he took the sacrament on his innocence, from being admitted to bail till he had suffered an additional imprisonment of five months\*.

2. The accuser of College and Rouse was Bryan Haynes, who first offered his services to Shaftesbury, but had subsequently the sagacity to discover his error, and to range himself under the banner of the court. Aware of the political principles professed by the persons who composed the grand jury, the attorney-general demanded, and the chief justice ordered, that the proceedings on the bill of indictment against College should be taken in open court. But the experiment failed. Though the witnesses had been held worthy of credit in the prosecutions on the popish plot, the jury refused to believe them against the protestant joiner. The crown lawyers, however, discovered that some of the offences with which the prisoner was charged had been committed in Oxfordshire; a new bill against him was found by the grand jury of that county; and College was tried in Oxford on the charge of having gone in arms to that city, for the purpose of seizing, in conjunction with certain of his associates, the person of the king†. This trial exhibited a new and extraordinary spectacle: the men, who had hitherto been accustomed to lend to each other the aid of their oaths, in confirmation of their numerous forgeries concerning the

\* No Protestant Plot, in. 111. Ralph, 600, note, 606.

† In the case of Atkins, Shaftesbury had ordered the prisoner to be furnished with pen, ink, and paper, and then took his writings from him, that the prosecutors might become acquainted with his defence; in consequence of which they sent for and examined his witnesses. (State Trials, vi. 1494.) As a set-off against this act of oppression has sometimes been mentioned the taking away College's papers after his arrival at Oxford. But there is a considerable difference between the two. Aaron Smith, the Whig attorney, offered the gaoler a bribe of four guineas for admission to the prisoner. Being refused, he obtained an order from the chief justice, and was observed to place a parcel of papers in the hands of College. These were seized, and after the prisoner had pleaded, were examined by the court. They proved to be instructions for his defence, with objections in law, and a speech containing reflections on the government. The judges ordered a copy to be made, omitting such passages as they deemed seditious, and delivered it to the prisoner. State Trials, vii. 570. 582 587.

popish plot, appeared in court divided into two bodies, and marshalled in hostile array against each other, under the guidance of their respective leaders, Dugdale and Oates. Dugdale, Turberville, and Smith, swore positively to the guilt of College; Oates, Bolron, and others, contradicted their testimony, and vilified their characters\*. It is evident that no credit was due to either party: but the charge against the prisoner derived a feeble support from the known activity of College, the intemperance of his language, and his habit of singing songs, and distributing prints, reflecting on the character of the monarch. That he had been engaged in many unjustifiable practices cannot be doubted; but the impartial reader of his trial will dispute the propriety of the verdict returned by the jury, and assent to his solemn asseveration under the gallows, that he died innocent of any treasonable act or intention†.

31. Aug.  
Oct. 19. 3. His associate Rouse was more fortunate. The grand jury ignored the bill, and there existed no charge against him in any other county. He recovered his liberty: but, incapable of profiting by experience, he suffered in 1683 for a new offence the same ignominious manner of death from which he had escaped in 1681‡.

4. The information against the earl of Shaftesbury was furnished by his three Irish witnesses, who accused him of having suborned them to give false testimony against the queen, the duke of York, the lord lieutenant, and the lord chancellor of Ireland. His scornful and threatening carriage before the council intimidated some of the members: but his boldness forsook him when the warrant for his commitment was signed, and the very rabble hooted him on his way to the Tower. There he yielded to the suggestions of prudence or despair: but his offer to expatiate himself, by repairing to his plan-

\* To punish Oates for his conduct at this trial, his pension was taken from him, and he was turned out of his lodging at Whitehall. Bulstrode, 329. Loyal Protestant, No 52.

† State Trials, viii. 549 746. Bulstrode, 325. North, 587. 589.

‡ North, 586. James (Memoirs), i 713



tation in Carolina, was refused: and the king avowed his determination of bringing him to a trial before his peers. Every exertion was made to defeat the royal purpose by procuring the rejection of the indictment by the grand jury. The new sheriffs Shute and Pilkington summoned for that purpose men, known to be violent enemies of the court: pamphlets and narratives and instructions for jurymen of the most inflammatory tendency were published; and the hall was filled with the retainers of the party from Wapping and the suburbs. The proceedings, as in the case of College and Rouse, were held in public in presence of the judges: yet, so violent was the conduct of the spectators that the witnesses repeatedly complained of danger to their lives, and the judges themselves did not feel in safety on the bench. The indictment charged the earl with having made warlike preparations for the purpose of compelling the king to yield to the wishes of the parliament at Oxford; and was supported by the testimony of Booth who pretended that he had been actually engaged for that service, of Haynes, whom Shaftesbury himself had recommended to the king as a person of honour and conscience, and by several of the witnesses whom he had brought from Ireland to support the pretended Irish plot. That the jury had previously determined to disbelieve their evidence is highly probable: but there was so much in their conduct and characters to awaken suspicion, that any twelve impartial men would have come to the same conclusion. The bill was returned "ignoramus:" the hall shook with applause; and the day was closed with the ringing of bells, the kindling of bonfires, and shouts of "a Monmouth, a Shaftesbury, and a Buckingham \*."

This triumph, however, was of short duration. While the party congratulated themselves on the escape of their leader, the publication of two papers, found in his pos-

\* James (*Memoirs*), i. 687 714. Macpherson, 122. 124. *State Trials*, viii. 759—842. North, 110—115. Burnet, ii. 283. Reresby, 124. 127. Coke 309—313

session, and produced in court, awakened the spirit of the tories, and gave a decided superiority to their cause. Of these one was the form of an association for the purpose of maintaining the protestant religion, and of excluding James, duke of York, and every other papist, from the succession: and for that end the subscribers were made to vow before God that they would pursue unto destruction all who should oppose their just and righteous intention; and, for the better success of this pious work, would follow such orders as they should receive from parliament, while it sat, or from the major part of the members of parliament, being associators, after its prorogation or dissolution, and would obey such officers as by the same persons should be set over them in their respective counties, cities, and boroughs. The other paper purported to be an alphabetical list of the most considerable individuals in every shire, divided under two heads into "worthy men" and "men worthy," designations interpreted to mean, "worthy of trust and" "worthy to be hanged\*." The knowledge of these papers, the treasonable tendency of the first, and the invidious distinction made in the second, threw the nation into a ferment. The form of association was not, indeed, in the writing of Shaftesbury: but no one doubted that it was either drawn by him, or under his direction, and that it perfectly accorded with the real views of the party. Of the "worthy men," numbers hastened to prove that they had no claim to the honourable designation; and the "men worthy" felt the stigma put on their characters, and eagerly sought for revenge. In a short time addresses poured from every quarter into Whitehall, expressive of the most fervent attachment to the sovereign, and the deepest abhorrence of the association and its abettors. Its object was pronounced treason not only against the person of the king, but the constitution of the kingdom, and more ruinous to the nation than

\* *State Trials*, viii. 782—787. North, 112 L'Estrange, *Brief Hist.* 100 Lard, 1014

“ the old hypocritical solemn league and covenant ;” the men who refused to find the bill against its author or contriver were declared to have perverted the laws, and “ to have aimed at a tyrannous dominion over both the “ sovereign and his people ;” and Charles was assured that his faithful subjects held all such illegal unions in detestation, and would defend to their utmost ability both him and his lawful successors from all traitors and conspirators whomsoever\*.

The king hastened to improve this enthusiasm of the people to the prejudice of his opponents. 1. The most obnoxious of the “ worthy men ” were successively and silently weeded out of the commission of the peace, and their vacant places supplied from the list of “ men “ worthy,” or from those clergymen, who had distinguished themselves by their advocacy of the doctrine of passive obedience. 2. As the majority of the dissenters had hitherto lent their aid to the popular leaders, they were now made to pay the penalty of their disaffection to the court. At the request of the magistrates of Middlesex, the king ordered the laws “ against conventicles and “ unlawful meetings, under pretence of religious worship,” to be put in immediate execution: the loyal and the zealous, the interested and the vindictive, availed themselves of the opportunity ; and the fines, distrainments, and imprisonments of former periods were immediately revived†. 3. Lastly, an attack was meditated on the privileges of the city, the stronghold of the exclusionists. At the election of the chief magistrate the court had prevailed in favour of Sir John More, a quiet and inoffensive citizen, who, though he had been an addresser, met with little opposition from the party, on account of his timid and retiring disposition. But the election of sheriffs, considering all circumstances, was a matter of greater importance. On them depended the choice of

\* See the addresses in the London Gazette, and particularly those from the magistrates at Hicks's Hall, and the benchers of Gray's Inn, and the Inner Temple.

† Neal, ii. 727

individuals to serve on juries ; and a general persuasion prevailed that, as long as the sheriffs were devoted to the opposition, no verdict against the leaders or their associates would be obtained by the crown. On this account it was proposed to the king in council to lay an information, in the nature of a *quo warranto*, in the King's Bench, to inquire by what authority the city claimed the rights and privileges which it exercised. In that case, either the fear of forfeiture would induce the corporation to solicit the royal favour, or the judgment of the court would deprive them of the powers which they employed to the prejudice of the royal authority. The king gave his assent, and in Hilary term the information was filed : but, what with the plea and answer, the rejoinder and the surrejoinder, the rebutter and demurrer, and the dilatory forms of proceeding, more than eighteen months elapsed before the question was argued and judgment given \*. In the mean time the reader may turn his eyes towards Scotland, and take a rapid view of the most interesting events which had occurred in that kingdom.

The defeat at Bothwell-bridge had tamed the spirit of the covenanters. By frequenting the churches of the indulged ministers they succeeded in screening themselves from the notice and severity of the government ; and in a few weeks it appeared as if the party, which recently excited such general alarm, had entirely ceased to exist. There was however left a remnant of faithful Israelites, inconsiderable in number, and despicable in point of influence, but men of wild fanaticism and indomitable zeal, who followed their spiritual guides, Cargill and Cameron, into the desert, and were fed by them among the glens and morasses with the manna of the divine word. The contemplation of their forlorn

\* James (Memoirs), i. 714 North, 629 State Trials, viii. 1039—1086 See in Jenkins, ii. 684, a sensible letter from that statesman to the duke of York, stating his reasons for dissenting from the rest of the council on the question of the policy and justice of this prosecution.

condition naturally led the enthusiasts to inquire into the authority of those by whom their sufferings were inflicted : they discovered that it was not in the power of their ancestors, who had made the succession hereditary in a particular family, to bind posterity, or to purchase their own liberty with the slavery of their descendants ; and they argued that, since Charles Stuart, by rejecting the covenant, had broken the condition on which he received the crown of Scotland, he had therefore forfeited all right to the exercise of the regal authority \*. Convinced of the truth of this doctrine Cameron, accompanied by twenty of his disciples, proceeded to the small burgh of Sanguhar, and, having publicly read, affixed to the cross, “ a declaration and testimonie of the true presbyterian, anti-prelatic, anti-erastian, and persecuted party in Scotland.” In this singular instrument they “ disowned Charles Stuart, who several years before for his tyrannie should have been denuded of being king, ruler, or magistrate ; and under the banner of the Lord Jesus Christ, the Captain of their salvation, they declared war with such a tyrant and usurper— they also disowned and resented the reception of the duke of York, a professed papist in Scotland, as repugnant to their principles and vows to the most high God ;—and in conclusion they hoped that no one would blame them if, as the Lord gave opportunity, they should reward their opponents in the same manner as had been done to them †.”

The host of Israel, the men prepared to support this bold defiance, amounted to six-and-twenty horse, and about forty foot : but they prayed, when others would have watched, and were surprised by three troops of dragoons at Airmoss in the county of Kyle. At the approach of the enemy Cameron exclaimed, “ Lord take

\* Wodrow, ii App 45, 46. State Trials, x 795.

† Wodrow, App 47. State Trials, x 805. I should have observed that *Frastus* was a physician in Switzerland, who taught that the church had no regular authority to censure or excommunicate, but was subordinate to, and dependent on, the civil power.

“ the ripest, spare the greenest ;” and, calling to his men to follow, hastened to meet the assailants. He fell ; his brother and seven of his companions shared his fate ; and Rathillet, whom the reader will remember at the assassination of archbishop Sharp, was wounded with a few others, and made prisoner\*. The martyr had the honour of giving the name of Cameronians to the party ; Cargill escaped, and prepared to avenge his death. At Sept. Torwood in Stirlingshire he assembled his disciples, and, having first lectured and then preached, proceeded to pronounce judgment in the following solemn manner : “ I, being a minister of Jesus Christ, and having authority from him, do, in his name and by his spirit, ex-communicate, cast out of the true church, and deliver up “ to Satan, Charles II. king of Scotland, for his mocking “ of God, his perjury, his uncleanness of adultery, and “ incest, his drunkenness, and his dissembling with God “ and man.” By the same authority, and in similar terms, he excommunicated James, duke of York, for idolatry, James, duke of Monmouth, for his invasion of the Lord’s people at Bothwell-bridge, John, duke of Lauderdale, for bla-phemy, apostacy, and adultery, and the duke of Rothes, sir George Mackenzie the king’s advocate, and Dalziel of Binus, for different offences. Ridiculous as such a sentence must have appeared to those who were its object, it made a deep and fearful impression on the hearers of Cargill, to whom he asserted that “ no power on earth of kings, princes, magistrates,

\* Wodrow, 140, 143. Rathillet was tried for “ treason and the sacrilegious murder of Archbishop Sharpe.” He declined the authority of the king and of the court, “ because they had usurped a supremacy over “ the church, belonging alone to Jesus Christ, and had established idolatry, “ perjury, and other iniquity in the land, and for that purpose had shed “ much innocent blood.” Therefore he, as adhering to Christ, his rights, “ and kingly office, declined them that are his (Christ’s) open enemies “ and competitors for his crown and power, as competent judges.” He was condemned and suffered July 30 1680. See the original documents in State Trials, x. 791—800. Two years later, 1683, Gaulton, another of the murderers of Sharp, suffered in Edinburgh. His hands were first cut off at the foot of the gallows. He was then hanged, his head was cut off and fixed on a spike at Cupar, and his body was hung in chains on Magersmuir. Kirkton, 423, note.

“or ministers of the gospel, could, without the repentance  
 “of the persons, openly and legally appearing, reverse  
 “this excommunication\*.”

These proceedings sharpened the vigilance and severity of the council, who began to consider that their own lives, as well as the reputation of the government, were at stake. The Cameromans, indeed, had hitherto confined their efforts to measures of self-defence; but there was reason to fear that, if their numbers should multiply through neglect, they might proceed to acts of aggression: and the murder of the archbishop had shown how easily such enthusiasts could mistake the suggestions of revenge for the inspirations of Heaven. The prisoners brought from Airmoss paid the forfeit of their rebellion: a strict search was made not only after their associates in the field, but also the professors of their doctrines; and six of the latter testified with the loss of their lives the sincerity of their belief. Among them were two females, Isabel Alison, and Marion Harvey, whose zeal might indeed require coercion, but whose obstinacy could not deserve the punishment of death†. In prison the Bible was their chief consolation: the lecture of the book of Canticles threw them into ecstasies of joy; and, as they ascended the fatal ladder, they cheered their last moments 1681. by applying to themselves the passage, “my fair one, Jan. “my lovely one, come away.” The duke of York, who 26 had recently arrived in Scotland, doubted the policy or the justice of these executions. To some of the sufferers he sent an offer of pardon, if they would only say, “God “bless the king:” but, though the rope was already

\* Wodrow, 141. Crookshank, 71. Cargill was taken on July 15th, and executed on July 26th, 1681. He excommunicated the king, disowned his authority, and maintained, from the examples of Jael and Phineas, that a private person having a call from God might lawfully put another to death. See Wodrow, ii. 185, 186. App. 54, 55.

† It should, however, be observed, that they showed by their answers that they approved of the archbishop's murder, and were well acquainted with the murderers. Harvey, in her printed testimony, leaves her blood upon the traitor on the throne, on the duke of York, who was present at her first examination, and on all persons concerned in her capture, imprisonment, trial, and condemnation. See Kukton, App. 426, note.

round their necks, they rejected a condition which they deemed an apostacy from their principles<sup>1</sup>. There remained others equally ready to grasp the crown of martyrdom: but the duke deprived them of the splendid prize, by transferring them to a life of hard labour in the house of correction, or enrolling them in a regiment of Scots in the service of the king of Spain †.

The first care of that prince was to study the political state of Scotland; and a short inquiry convinced him that the spirit of resistance to the court, which had driven him from England, had made but few proselytes among the Scots. The people generally looked up to the nobility as their natural guides; and the nobility, with only two exceptions, professed themselves the devoted servants of the crown. Persecution, indeed, had provoked a different feeling in the breasts of the more rigid covenanters: but these existed only in a few districts of the west and south, and formed a party too contemptible in point of number, and too dispirited by a long course of suffering, to create the slightest apprehension. The principal evils arose from the family feuds among the nobility, which divided them into hostile parties, and made each individual anxious to exalt himself by the depression of his enemy; from the hereditary jurisdictions, which were exercised by the possessors in the most haughty and tyrannical manner; and from the misrule of Lauderdale,

\* They were Skene, Potter, and Stewart. Skene had already been turned off, when Potter seemed inclined to pronounce the words, but his wife, seizing him by the arm, and nearly pulling him off the ladder, exclaimed—"Go, die for the good old cause, my dear. See Mr Skene. He will sup to-night with Jesus Christ." Again in 1684, Dec. 9.—Ten were "pauished for disowning his majesty's authority. Six were so wise as to 'resile' the other four were so mad as to deny to say 'God save the king.' Three would have done it, but by the pestilent severity of the fourth were 'obured.'" All four suffered death. Fountamball, Decisions, i. 318.

† Burnet, ii. 273—295. Fountamball, in State Trials, x. 87. The fact that on one occasion James accompanied a committee of the council, when the leg of a prisoner (Syndal) was placed in the boot, has been frequently brought forward as a proof that the duke was naturally cruel. But certainly many other reasons might be devised for his presence, besides the wish to gratify himself with the sight of human suffering. The prisoner was to be examined respecting a supposed conspiracy to blow up the rabey and the duke in it. Wodrow, ii. 163.



whose chief object had been to enrich his duchess and his dependents at the expense of law and justice. Seven commissioners of the treasury with high salaries administered a scanty income of 60,000*l.*: the farmers of the customs and the excise were encouraged by the connivance of the government to extort money by illegal artifices; and the troops, supposed to have been raised for the purpose of checking the depredations of the highlanders, existed only in the muster-rolls of the officers who received the pay of these imaginary guardians\*. It was obviously to the interest of James to ingratiate himself with the nation. With this view he employed the influence of his high rank to heal the dissensions which divided so many noble families, sought to relieve the people from oppression by the gradual and noiseless removal of Lauderdale's dependents, and suggested to his brother such other remedies as could only be applied by the will of the sovereign. In a few months James had become popular in Scotland†.

While, however, he appeared to devote his attention to the concerns of that country, he kept his eye constantly fixed on the transactions in England. The meeting of the parliament in Oxford had plunged him into despair: its sudden dissolution taught him to rely on the firmness of the king. Yet his hopes were not speedily realised. By the advice of Halifax his first petition to be recalled to England was peremptorily refused; to the second, that he might hold a parliament in Scotland, Charles gladly signified his consent. The object of the monarch was to soothe the feelings of his brother, wounded by the previous refusal, the object of James to procure from the Scottish parliament a recognition of his right to the Scottish throne.

\* The duke proposed that this money should for the future be divided between Hanthorpe, Argyle Athol and Scotland, the four great highland chiefs, and that they should be made responsible for all depredations committed by the clans dependent on them. They already had the power, they would then have the will, to prevent the incursions of the highlanders. James (Memoirs) i. 706.

† See James (Memoirs) i. 580-644, 701-707. Burnet i. 292.

July 28. The duke, in quality of royal commissioner, opened the session with a speech, expressive of the king's readiness to unite with his people in providing security for the protestant religion, and of his confidence that he should find them equally ready to concur with him in securing the rightful descent of the crown. His wishes were gratified. The first act passed by the estates confirmed all the existing laws in support of the protestant religion, and all acts made against popery; the second declared that the kings of Scotland derived their royal power from God alone, that they succeeded thereto lineally and according to the known degrees of proximity in blood; that no difference of religion, no act of parliament, made or to be made, could alter or divert such succession, and that to alter, invert, or suspend the next heir from the administration of the government according to the laws of the kingdom, amounted to an act of treason\*. Much altercation followed respecting the grievances which had been suffered under the administration of the duke of Lauderdale†, and the tyranny which was exercised by the lords possessed of hereditary jurisdiction. But the most important act of the session was the imposition of a new test, which had been equally called for by the government to check the diffusion of the anti-monarchical doctrines preached by the Cameronians, and by the more zealous among the protestants, as a counterpoise to the influence of a catholic successor. But here a difficulty arose, how to define the protestant religion so as to give general satis-

\* Wodrow, ii. App. p. 59. Scottish statutes, 1681, c. 11.

† Proof was offered of the perjury of lord Hutton, Lauderdale's brother, on Mitchell's trial, and of a conspiracy in which he had engaged to convict lord Bageny of rebellion. James prevailed to have the cognizance of these matters referred to the king, for which his enemies have severely reproached him. It appears, however, from a note in the new edition of Burnet (ii. 299), that the duke had already sent the proofs of the first of the cases to the king, who in consequence had deprived his old confidant Lauderdale of all his employments, and that Lauderdale was far from thinking James a friend to himself or his brother, appears from his opposition in England to the proceedings of the duke in Scotland.

faction in a country, where episcopacy was, indeed, established by law, but presbyterianism retained its hold on the hearts of the people. For many years the Westminster confession of faith had formed the authorised creed of the Scottish kirk; but by the revissory act of 1661 this document had been stripped of its authority, and the only form of doctrine which still possessed the sanction of the legislature was the more ancient confession framed in 1560, and approved in the first parliament of James VI. in 1567. On the present occasion the lords of the articles, among whom was the earl of Argyll, proposed the ratification of this confession, and Dalrymple, the president of the court of session, moved that it should be recognised in the new test as the standard of the protestant religion. Paterson, bishop of Edinburgh, saw the difficulty, but after some opposition acquiesced; and an act was passed ordaining that all laws against papists and fanatical separatists from the national church should be rigorously enforced, and that all persons in public trust, with the exception of the lawful brother and sons of the king, should take the test appended to the act, under the penalty of forfeiture and incapacity to hold office. That test consisted of—1. a profession of adhesion, and a promise to adhere to the true protestant religion contained in the confession of faith recorded in the first parliament of James VI.; 2. the usual recognition of the king's supremacy over all persons civil and ecclesiastical, and a renunciation of all foreign jurisdiction; 3. a rejection of the doctrines and practices already condemned by the declaration prescribed in the eleventh act of the first parliament of the king; and, lastly, an acknowledgment that there "lay no obligation from the national covenant, or the solemn league and covenant, or any other manner of way whatsoever, to endeavour any alteration in the government in church or state, as it was then established by the laws of the kingdom\*."

\* See it in State Trials, viii. 470; and Scottish statutes, 1681, c. vii

To the episcopal clergy the obligation of swearing adherence to a presbyterian confession of faith appeared at first an intolerable grievance. But their repugnance gradually wore away, when it was discovered that in point of church government this instrument contained no provision inconsistent with the established discipline, and when the council, to do away objections on the ground of a few speculative doctrines of minor importance, had published a declaration, that the test was not meant to apply to every part of the confession, but only to the "true protestant religion founded on the word of God, and contained therein, as opposed to popery and "fanaticism," and that it neither made nor intended to make any invasion of the intrinsic spiritual power of the church, nor offered any prejudice to the form of episcopal government. A feeble attempt was, indeed, set up to keep alive the opposition, by maintaining that in making such declaration the council had exceeded its legitimate authority; because no court inferior to the parliament could possess the right of explaining the intention of parliament. But the majority of the beneficed clergy were too prudent to sacrifice their emoluments to unfounded scruples; and the dissidents, who resigned their livings, did not amount to more than eighty, influenced not so much by their objection to the confession of faith, as to the recognition of the king's supremacy, which, armed, as it was, with the most arbitrary power by Lauderdale's act of 1669, they considered dangerous in the possession of a catholic successor.

Among the laity the recusants were confined chiefly to the small number of individuals connected with the Whig party in England, who looked on several clauses in the test as repugnant to the political principles which they cherished, and to the designs which they meditated. The dukes of Hamilton and Monmouth accordingly resigned their offices: but the man, whose determination was expected with the greatest impatience,

was the earl of Argyle. He had many powerful enemies among the Scottish nobility; during the session the earl of Errol had presented a bill praying that Argyle might be compelled to settle the pecuniary claims of several parties against the family estates, and the king's advocate had disputed his right to the hereditary sheriffdoms which he held, and to his office of justice-general of Argyleshire and the isles; and though James, by the interposition of the royal authority, had shielded him from these suits, yet the dismissal of the earl from the court of session showed that his conduct had given offence. By his adversaries it was hoped that he would refuse the test: for some time he hesitated; but the desire of preserving so many valuable hereditary jurisdiction, prevailed; and he offered to take it with the following explanation, that he meant to bind himself by it, "only in as much as it was consistent with itself and  
 " the protestant religion; and not to debar himself  
 " from endeavouring, in a lawful way and in his station,  
 " to make such changes in church and state as he might  
 " judge beneficial." It is difficult to understand the necessity of these limitations. His only object in the first part was, as he stated, "to clear himself from cavils," for he had no notion that "the test imported anything contrary to the protestant religion," and the second could hardly be requisite; for the general denial of any obligation "to endeavour alterations in the government" could never be understood as a renunciation of the right belonging to him as a peer of parliament. The duke of York remarked to him, that such was the real meaning of the test, and that he deluded himself, if he thought that he had imparted to it any new signification.

When Argyle took the test with this explanation, many of the spectators betrayed their disappointment by their looks; but James was satisfied, and, though the council maintained that he ought not to have suffered it, he resolved "to pursue the matter no further." But new representations were made to him; the earl was

Nov. summoned to qualify a second time as a commissioner  
 4. of the treasury ; then his explanation was refused ; and  
 5. though he waited on the duke and satisfied him of the  
 rectitude of his intention, he received an order to place  
 9. himself in confinement in the castle of Edinburgh.  
 Soon afterwards the king's advocate, in consequence of  
 instructions from England, accused him of treason,  
 20. leasing-making, and perjury, charges raised on a slight  
 foundation indeed, on nothing more than the explana-  
 tion clause which he had added to the test in presence of  
 the council\*.

The reader will perhaps imagine that the object of the  
 court was merely to intimidate Argyle, and the few who  
 might feel disposed to follow his example. But in the  
 Dec. course of three weeks he was brought to trial. The  
 12. crown lawyers contended that in his explanation he had  
 claimed for each individual the authority of determining  
 in what sense parliamentary tests were to be understood ;  
 that he had defamed the legislature by insinuating that  
 it imposed contradictory oaths, and violated the protestant  
 religion ; that he had recommended to the people the doc-  
 trine of the rebels and covenanters, that every man posses-  
 ses a right to make, according to the dictates of his private  
 judgment, alterations in church or state, "without any  
 regard whether the king should disassent or not ;" and  
 that he had usurped the sovereign authority by declaring  
 that he understood thus his explanation to form a part  
 of his oath. To such frivolous and captious reasoning  
 it was replied, that the earl, being called upon to qualify  
 himself for office, had a right to state the real sense in  
 which he meant to take the test ; that his only motive  
 was a wish to exonerate his conscience, and avoid all  
 manner of evasion or equivocation ; and that no reason-  
 able man would confound a confidential communication  
 to the council with an attempt to breed discord and

\* Stewart's case of the earl of Argyle, with several other documents : in  
 State Trials, vii. 866-883.

sedition between the king and his subjects. But the lords of justiciary pronounced their opinion, that the offences charged amounted to the guilt of treason, leasing-making, and leasing-telling, but not to that of perjury\*; and the assize or jury, with the marquess of Montrose at their head, found the prisoner guilty. When Charles received the intelligence, he granted permission that judgment might follow, but added a strict injunction that the execution should be suspended till he had declared his further pleasure†. But Argyle dared not trust to the mercy of the sovereign against the violence of his adversaries. He did not wait for the arrival of the letter; but left his cell in the disguise of a page bearing the train of his daughter-in-law, lady Sophia Lindsay. Though twice questioned, he contrived to lull the suspicion of the guards; and, as the king did not suffer any search to be made after him, found at first a secure asylum in England, and thence repaired in safety to Holland‡.

In 1662 the earl, then lord Lorn, had received judgment of death, because in a confidential letter he had used the words "the king will see the tricks of my enemies," which was pronounced an act of leasing-making between the sovereign and his parliament: now a similar condemnation was pronounced against him in his absence on a charge equally absurd and malicious. These instances show the degraded condition of the Scottish nobility at this period. So violent were the animosities engendered among them by family quarrels,

\* State Trials, 908. 944; and State Tracts, ii. 151. 216. They were Collington, who was *non liquet*, Hareness, who pronounced in favour of Argyle; Newton, Notret, and Fain, who pronounced against him; and Queensbury, who gave no opinion, because the majority had already decided. Fountainhall, Dec 12, 13.

† See the council's letter stating that the process would be imperfect without the judgment, and Charles's answer, State Trials, viii. 946-980.

‡ State Trials, viii. 983. 990. It was proposed the next day in council that lady Sophia for this offence should be whipped through the streets of the capital; but James cut short the discussion by remarking, "that they were not used to deal so cruelly with ladies in his country" James, i. 710.

so recklessly did they pursue their own advancement by the depression of their enemies, so complete was the dependence of both judges and jurors on the government, that each individual might be said to hold his life and estates at the pleasure of the sovereign. Nothing was more easy than to accomplish the ruin of an obnoxious nobleman. However innocent were his conduct, however cautious his language, something could still be discovered which the ingenuity of the advocate might convert into the capital offence of leasing-telling or leasing-making. We are indeed assured that on the present occasion neither the king nor his advisers sought to take the life of Argyle. The object of the first was to obtain possession of certain extensive jurisdictions, which he deemed it dangerous to leave in the hands of a subject; of the others to gratify their revenge by the humiliation, and to improve their own fortunes out of the spoils, of an opponent. This is probably the truth\* but the motive can furnish no apology for the injustice and cruelty of the prosecution, which has left an indelible stain on the memory of the royal brothers, of the duke, who was persuaded to recommend it, and of the king, by whom his recommendation was approved. Argyle remained in banishment: to his son, the lord Lorn, Charles, having previously made provision for the satisfaction of his father's creditors and the support of the younger branches of the family, restored the forfeited estates. But the hereditary jurisdictions were retained in possession of the crown; and these, together with the sheriffdoms and regalities surrendered by Hamilton and Monmouth, were parcelled out among the supporters of the court, to be holden by them during the royal pleasure†.

\* It is positively asserted in the *Life of James* (709), and Macpherson's extracts (i. 123. 131), that the condemnation would have been followed by a pardon. So it was reported at the time, and Argyle himself believed that on this account both judges and jurors felt less scruple at their part in the proceedings. *State Trials*, viii. 949 950

† *James* (*Memoirs*), i. 711. It is, however, but justice to hear the



But the administration of James in Scotland was now drawing to a close. Halifax, indeed, laboured to impress on the mind of the king a notion, that to recall the duke as long as that prince professed himself a catholic, would be to forfeit his present popularity; and Charles <sup>Aug.</sup> hesitated not to inform his brother, that he must never <sup>31.</sup> expect to set his foot on English ground, till he had conformed to the established church\*. From the despondency caused by this message James was relieved by the intrigues of his former enemy, the duchess of Portsmouth. To mark his sense of her connexion with the popular leaders, Charles had made her feel his displeasure. She hastily retraced her steps: the king, after a short struggle, yielded to the arts and blandishments which she knew so well how to employ; and she re-established her empire over his heart, and retained it to the end of his reign. But experience taught her to consider the brittle tenure by which she held her present greatness. Were she to survive the king without provision for the future, she could expect nothing from his successor, whom she had so deeply offended, nor from the Whigs whose interest she had now abandoned. Charles shared her apprehensions: it was resolved to secure to her an annuity out of the income granted by parliament to the duke of York; and James unex- <sup>1682.</sup> pectedly received an invitation to meet the king at <sup>Feb.</sup> Newmarket for the purpose of making the necessary <sup>28.</sup> arrangements†. In the correspondence which followed,

duke's answer to Colonel Legge, who in a letter told him that many people "taxed him with severity in the affair of lord Argyle" It is not "the first wrong of that kind which has been done me, as those who are acquainted with the laws of this country know very well, and (he) has but to thank himself for what has happened to him. And to show you what wrong is done me, if I had not hindered his being taken on in parliament, they had brought him there in as ill a condition as to his fortune as he is now" In Burnet, ii. 318.

\* "Besides that in conscience I cannot do what you so press me to, it would not be of that use or advantage to his majesty as some think, for the Shaftesburian and republican party would say it was only a trick, that I had a dispensation, and that I was still a catholic in my heart; and say there was more reason to be affected of popery than ever" Ibid. 304, note.

† The duchess solicited from Charles the sum of 100,000*l.*, to be in

a private assurance was given that he should be allowed to fix his residence in England: at Newmarket, where  
 Mar 12. he visited his brother, it was repeated in defiance of the opposition of Halifax, and of Seymour, who now supported Halifax. Elate with this success he again sailed for Edinburgh, but on the sand called the Lemon-and-Ore the Gloucester frigate, which carried him, was wrecked, with the loss of two hundred men. The prince himself escaped, reached his destination, and, bringing  
 May 6. back his family, settled once more in the palace of St. James's\*.

By the Tories the return of the duke was hailed as a proof of their victory. The lord mayor and aldermen waited on him to express their joy, and addresses with thousands of signatures were presented in abhorrence of lord Shaftesbury's project of association. Charles, however, saw that to complete his triumph it was necessary to procure sheriffs of more courtly principles than Pilkington and Shute. In former times it had been usual for the lord mayor, at the bridge-house feast, to drink and send the cup to a citizen, who on midsummer-day was approved of course as one of the new sheriffs, while the livery selected the other of their own free choice without the interference of the chief magis-

trated in some foreign security. The king had not the money, but he persuaded himself that James might grant her an annuity of 5,000*l.* for fifty years out of the income of the post-office, and that she might sell it for the sum required. The duke was aware that the grant demanded of him could not be legally made without an act of parliament, but concealed this knowledge that he might have a pretence for coming to England. Of course the scheme failed but the lady, having heard of the French pension, prevailed on Charles to give 10,000*l.* out of each quarterly payment, till the aggregate should amount to 101,000*l.* At the king's death only one payment remained due James (*Memoirs*), i. 729, 730. Macpherson, i. 133.

\* The manner in which Burnet has related the duke's escape, shows how eager he was to retail any story to the prejudice of that prince. The truth may easily be learnt from the official letter of captain Berry (*Clar. Corresp.* i. 72), the letter of sir James Duck, provost of Edinburgh (*Ellis, Original Letters*, second series, iv. 67; Dalrymple, ii. App. 68), and that of lord Dartmouth, whose father accompanied the duke in the boat. Burnet, ii. 401, note. James gave eleven months' pay to the widow of every seamen who perished, and a sum of money to each child of such seamen. *Loyal Protestant*, No. 189. 193.

trate. The real origin of this custom was unknown, some considering it as a compromise of their respective claims on the part of the lord mayor and the livery, others as a mere compliment to the chief magistrate from the livery, who still retained the power of admitting or rejecting his nomination. From the commencement of the late rebellion the practice had been laid aside, and both sheriffs had been annually elected by the common-hall. Now, however, at the recommendation of the king, sir John Moore drank, and sent the cup to a brother of the chief justice, Dudley North, who had previously consented to accept the office: but the opposite party, alarmed at the nomination, resolved to dispute the claim of the lord mayor. On the morning of midsummer-day the hall was crowded with the retainers of the two factions: their clamour and violence terrified the mayor: North, the chief justice, and serjeant Jeffries were privately in attendance to aid him with their advice; and lord Grey, with the members of the green ribbon club, directed the proceedings of his opponents. The show of hands was against the nominee of the chief magistrate, who after a long debate adjourned the hall to another day: but Pilkington and Shute declared the proceeding irregular, continued to poll for some hours, and then adjourned the court. Thus a new question arose. On the one part it was contended that the lord mayor, as he called and dissolved, had also the right of adjourning, the common-hall; and that the sheriffs had no authority to preside in any civic court, because, though chosen by the city, they were in effect officers of the crown. On the other, that the lord mayor merely held the office of chairman, that the livery were the judges, and that the hall could not be adjourned without their consent. The dispute engrossed the public attention for several months. Breaches of the peace were committed and prosecutions instituted; the poll was renewed; opposite polls were opened, one by the Sept. mayor and the other by the sheriffs; and in conclusion 19.

the first declared North and Rich, the second Papillion and Dubois duly elected. All four demanded to be sworn; but the oaths were administered only to North and Rich, and the same afternoon the old sheriffs surrendered to them the custody of the gaols and prisons\*. This victory was accompanied by another. At the election of lord mayor, Gould the opposition candidate appeared to have a majority of fifty votes; but a scrutiny turned the balance in favour of Pritchard, his competitor†, and the court obtained a complete ascendancy in the city, where the king had both the mayor and sheriffs at his devotion.

1. Under these circumstances Sunderland, who had already learned to condemn, hastened to repair his error. He sought a reconciliation with the duke of York, who consented to join with the duchess of Portsmouth in soliciting the king in his favour. It was not that James at this period entertained any esteem for the versatile statesman who had so ungratefully abandoned his interests; but he feared to hazard his own influence in a contest with the duchess, who, as she had brought Sunderland into disgrace, made it a point of honour to restore him to favour. The easy monarch, happy to gratify his mistress without displeasing his brother, accepted the earl's protestations of repentance, admitted him into the council, and soon afterwards replaced him in his former office of secretary of state‡.

2. Another nobleman, of still greater importance to the party, began to waver. Monmouth remarked the rapid decline of the Whig interest; unwelcome anticipations were awakened in his mind; and he gave a tardy assent that his wife should offer his dutiful ser-

\* Compare North, 595-624, with the extract from Narcissus Luttrell in *State Trials*, ix. 211-219. That much irregularity occurred in these proceedings cannot be doubted, but the presumption is, that the election of the court candidates was legal, because, after the revolution, when men were eager in pursuit of vengeance, and the question was brought by petition before parliament, each house, after a separate examination of Moore and North, deemed it advisable to drop the inquiry.

† Ralph, 697.

‡ James (*Memoirs*), i. 735, 736.

ances to the king, as an opening to a reconciliation with both Charles and James. But the bitter reproaches of Shaftesbury, lord Russell, and his other friends, made him ashamed of his weakness; he recalled his word, and, under the pretence of visiting the earl of Macclesfield, began a progress into the north with the view of reviving the affection, and of adding to the number, of his partisans. He travelled with one hundred attendants on horseback, divided into two bodies, of which one preceded, the other followed, the duke. In the open space between them, Monmouth rode alone on a spirited charger, acknowledging, with bows and smiles, the courtesy of the spectators. In some places the higher classes deemed it prudent or loyal to shun his approach; but wherever the Whig interest prevailed, the gentlemen met him at the head of their respective tenants, and the populace were taught to welcome him with the ringing of bells, discharges of musketry, and shouts of "A Monmouth, a Monmouth, and no York!" He was careful to appear at the principal fairs, races, and public sports; at Liverpool he assumed the royal office of touching for the evil; and wherever he dined in public, covers were laid for two hundred guests, and the people, conducted by proper officers, passed in a constant stream through the apartment, that all might gratify their curiosity with a sight of their favourite. But the jealousy of the king narrowly watched his progress: daily reports were forwarded to the council; some partial disturbances in Cheshire added to the alarm; and a warrant was issued for his apprehension on the charge of "passing through the kingdom with multitudes of riotous people, to the disturbance of the peace and the terror of the king's subjects." He was walking in the streets of Stafford at the time he was taken into custody. Had Shaftesbury been at his ear, he would probably have returned into Cheshire, and have called on his friends to protect the king's son from the malice of his enemies; but he surrendered to the sergent-at-

arms, was conducted to the capital, and admitted to bail, himself in the sum of 10,000*l.*, and his sureties in the sum of 2000*l.* each \*.

3. From Monmouth we may proceed to Shaftesbury, whose conduct, ever since his discharge, had been to the popular leaders a subject of increasing solicitude. His temper was soured; his judgment seemed to be impaired. The growing popularity of the king, and the rapid diffusion of the doctrine of non-resistance filled his mind with terrors, and led him to the approval of projects the most fanciful and dangerous. Under the conviction that he was marked out to be made the first victim to the ascendancy of the court, he looked on nothing as impracticable which offered a chance of shielding him from the royal vengeance; and with this view he was constantly employed in forming plans of insurrection with his subordinate agents, men of desperate fortunes, and equally desperate counsels. They were Walcot, formerly an officer in the Irish army under Cromwell, and afterwards engaged in several conspiracies; Rumsey, a military adventurer, who had distinguished himself in the war of Portugal; Ferguson, an independent minister from Scotland, animated with the most bitter hatred of the royal brothers; and West, a practitioner in the law, and a diligent collector and distributor of reports in the coffee-houses. These, having formed connexions with men of similar habits and principles, persuaded him that they could raise the city at his nod; but the other leaders entertained a more correct notion of his resources, and apprehensive that a premature rising might plunge the whole party into destruction, shunned his company, and objected to his proposals. The renewal of the contest for the appointment of the sheriffs, the perseverance, and finally the victory, of the king augmented his alarms. He believed that

\* James (*Memoirs*), i. 737. Macpherson, 136. Bulstrode, 319. Lord Grey's Confession, 18. West's examination in Spaul, 33. Somers Tracts, viii. 404. Laitymple, *Mem.* i. 73.

his life would be in jeopardy the moment that the nomination of jurors fell into the hands of officers devoted to the crown. Once he thought of seeking a reconciliation with the duke of York: but the overture was made in language so ambiguous, that James returned this cautious answer, "Though lord Shaftesbury has been the most bitter of my enemies, all his offences will be forgotten, whenever he becomes a dutiful subject to his majesty." The earl did not pursue the attempt. Leaving his own house, he concealed himself in different parts of the city, and by repeated messages urged the duke of Monmouth, the earl of Essex, and their friends to rise in arms. But disappointment followed disappointment: his fears of discovery increased; he repaired, in the disguise of a presbyterian minister, to Harwich, whence, after some time, he sailed to the coast of Holland. Amsterdam received the fugitive; where Dec. he was afterwards visited by Oates and Waller; but anxiety and vexation had impaired his health; the gout 1683. fixed itself in his stomach; and he expired about two Jan. months after his departure from England \*. 21.

4. Under the Whig sheriffs the Whigs triumphed in the courts of justice. Their adherents were invariably acquitted; and the only chance of safety for their opponents lay in the change of the venue to an indifferent county, the grant of which by the judges was constantly followed by the abandonment of the action on the part of the prosecutor. But now the Tories were lords of the ascendant, and the Whigs in their turn learned to quail before the juries summoned by Tory sheriffs. Pilkington had scarcely laid down his office when an action of *scandalum magnatum* was brought against him by the duke of York, for having said, on occasion of a dinner given to that prince by the artillery company, "The duke has burnt the city, and has now come to cut out throats." The cause was tried before a special jury of

\* James (Memoirs), i. 734. Burnet, ii. 339, 340. Lord Howard's information, Sprat, 67. 76 Lord Grey's Confession, 15. 40 D'AVARX (i. 126 139), who fixes his death on the 24th of January. Rawleigh Redivivus, 123. 125.

1682. the county of Hertford, who awarded damages to the  
 Nov amount of 100,000*l*. That the libel was most atrocious  
 24. will be granted; but the punishment was severe beyond reason, and equivalent to imprisonment for life at the pleasure of the prosecutor\*. In like manner sir Patience Ward was convicted of perjury, and the late sheriffs, Pilkington and Shute, Bethel and Cornish, with Ford, lord Grey, and several others, of a riot and assault on the lord mayor at the last election†.

But that which excited the most intense interest was the argument on the *quo warranto* against the city of London, before sir Edmund Sanders, the chief, and the other judges of the King's Bench. Sawyer, the attorney-general, rested his case on two facts: that the city had imposed an arbitrary tax on merchandize brought to public market, and had circulated a printed petition charging the king "with having interrupted by the pro- rogation of parliament the making of provisions necessary for the preservation of himself and his protestant subjects." The first of these, he contended, was contrary to law, the second a libel on the sovereign: whence it followed that, since the city had abused its franchises, it had forfeited them into the hands of the authority from which they originally emanated. His opponents argued, that the rates were reasonable, and as such authorized by custom and different charters; that the publication of the petition, a thing lawful in itself, had been ordered, not to raise a clamour against the king, but to appease the agitated minds of the citizens; and that if, in either of these acts, any offence had been committed, it should be visited on the offenders themselves, and not on the innocent body of freemen, amounting to fifty thousand individuals.

After a long delay, in the hope that the city would avert the infliction of punishment by an offer of submission, the attorney-general demanded, and the court  
 June pronounced, judgment, "that the franchise and liberty  
 12.

\* See the extract from *Narcissus Luttrell*, *State Trials*, viii. 823. 825

† *State Trials*, ix. 157. 351.



" of the city of London should be taken and seized into  
 " the king's hands \*." To leave, however, an opening  
 for repentance, no entry was made; and the common  
 council presented a petition to the king, expressive of  
 their deep sorrow and contrition for the acts which had June  
 drawn upon the city the royal displeasure, and begging 18.  
 his majesty to grant them his pardon, and extend to  
 them his compassion. The answer returned by North,  
 who, on the death of the lord chancellor, had been ap-  
 pointed lord keeper, openly acknowledged the real  
 grounds of the proceeding. The king, he said, had  
 patiently borne the seditious meetings in the coffee-  
 houses, the publication of libels, the riots in the streets,  
 and the insults offered to the courts of justice. He  
 never thought of questioning their charter till the  
 government both of church and state was brought into  
 danger by a factious party, who, to secure their own im-  
 punity, had by violence usurped the election of the ma-  
 gistrates. It was to put an end to these evils, and not  
 to punish the city, that he had proceeded by a *quo war-*  
*rante*: and even now that judgment had been pro-  
 nounced, he sought not to deprive it of its former fran-  
 chises, but merely as a measure of prevention, to obtain  
 a veto on the appointment of the lord mayor, sheriffs,  
 recorder, common-sergeant, town-clerk, coroner of Lon-  
 don, and steward of Southwark. Let them arrange this  
 with the law-officers of the crown, and all their liberties  
 should be again confirmed. The common council 20.  
 assented to the condition: but difficulties occurred,  
 delays were created, and at last the judgment was  
 entered. The king immediately empowered the late 0 1  
 lord mayor to continue in office, appointed a new court of 4.

\* Ibid. 1263; and extract from Luttrell's MS. If we may believe Hawkes, Kennet, and then followers, the judgment was given by two judges only, one of whom had heard but half of the argument. But the fact is the contrary. Sanders, indeed, was not in court—he was confined to his bed by a stroke of apoplexy—but he had previously given his opinion, and his three brethren, Jones, Raymond, and Withens, in delivering judgment, asserted that the same was to their knowledge the opinion of the chief justice. See State Trials, and Luttrell, *supra*.

aldermen, from which eight of the former aldermen were excluded, and granted commissions to the sheriffs and other officers of the defunct corporation to execute their respective duties in the usual manner. The consequence was that the income of the city, its form of government, and the administration of justice were preserved: the change which took place affected not the duties of office, but the choice and character of the magistrates: hitherto they had generally been the opponents, now they were selected from the advocates, of the court\*.

5. About this time occurred a most important discovery, which gave to the king the undisputed superiority over his opponents during the remainder of his reign. The sudden flight and subsequent death of lord Shaftesbury had made little alteration in the councils of his friends or dependents. Walcot and Ferguson returned to London: the agitation caused by the discussion of the *quo warranto* reanimated their hopes; frequent consultations were held, and measures were proposed by the more violent, not only for an insurrection in the city, but also for the assassination of the royal brothers at Whitehall, or in the theatre, or at a farm belonging to one of the conspirators, called the Rye-house, and situate in a lonely spot near Hoddesdon, on the road by which the king usually returned from Newmarket to London. By means of lord Howard of Escrick an indirect communication had all along been maintained between these men, and the more discontented among the Whig leaders, the duke of Monmouth, the earl of Essex, the lord Grey, lord William Russell, Algernon Sidney, and Mr. Hampden, who, though they refused to hear any mention of assassination, were willing to employ the services of those among whom the notion originated. To these the higher classes of conspirators, a simultaneous rising in the city, in several counties, and in Scotland, appeared the most likely plan to gain the supe-

\* State Trials, 1273—1283. North, 633. Echard, 1036.

riority, and extort the royal assent to their proposals; and for this purpose they renewed the negotiation with the exiled earl of Argyle, which had been begun by the earl of Shaftesbury. Of Shaftesbury Argyle had demanded 30,000*l.* towards the attempt; he now reduced his demand to 8,000*l.*, on the receipt of which he would send arms and ammunition from Holland, and proceeding to Scotland, would place himself at the head of his friends. There is reason to believe that the proposal was accepted: the intelligence received by the government stated that the lords Grey and Russell undertook to raise the money; and, if credit can be given to Grey, a considerable portion of it was actually furnished by the latter.

It chanced, however, that on the 1st of June a Scots-June  
man was arrested at Newcastle, the bearer of an enig- 1.  
matical letter, calculated to awaken suspicion; and that 12.  
on the 12th, the day on which judgment was pronounced  
against the city, Josiah Keeling, one of the inferior con-  
spirators, offered to reveal the plans and proceedings of  
his associates to Legge, lately created lord Dartmouth,  
and a member of the privy council. Hints of the dis-  
covery of a plot were immediately whispered through  
the city: the guilty, disappointed of the means of escape  
by the river, absconded; and a proclamation appeared 18  
offering a reward of 100*l.* for the apprehension of each  
out of nine persons therein mentioned, who all belonged  
to the class of inferior conspirators. The same day 23.  
West, and the next Rumsey surrendered; but the king 24  
refused them a pardon, because he would not, as had  
been done in the investigation of the popish plot, pur-  
chase the testimony of informers. It made, however,  
but little difference. The very uncertainty as to their  
fate, in which the prisoners were left, prompted them to  
deserve mercy by the importance of their disclosures;  
and Rumsey gave in successively five, West not fewer  
than fourteen, informations. Shepherd came next: he 25.  
betrayed the meeting of the Whig leaders at his house; 26.  
Russell, Sydney, and Wildman were arrested and com- 28.

mitted to the Tower; and a second proclamation was published with the offer of a reward of 500*l.* for the apprehension of the duke of Monmouth, or Ford, lord Grey, or sir Thomas Armstrong, or Robert Ferguson.

- July All four had the good fortune to escape; but lord  
8. Howard of Escrick and the earl of Essex were taken  
10. and confined in the Tower\*.

- These proclamations and arrests furnished a new stimulus to the loyalty of the Tories, who hastened with addresses of congratulation to the foot of the throne. At the same time the crown lawyers proceeded with  
12. unwonted celerity. In a few days Hone, Walcot, and Rouse, three of the minor conspirators, were tried, and convicted on the evidence of their associates: nor did they so much deny their guilt, as complain of their hard fortune in being betrayed by the very men who had  
13. drawn them into the commission of the offence. The trial of lord William Russell excited more general interest, as it promised a solution of the important question, whether the Whig leaders were implicated or not in the plans of the minor conspirators. The witnesses against him were Rumsey, Shepherd, and lord Howard. Rumsey deposed that the prisoner had attended a consultation at the house of Shepherd, of which the object was to determine the possibility of surprising the king's guards at the Savoy and the Mews: and Shepherd, that lord Russell was certainly present at a meeting in his house of the persons named by Rumsey. When lord Howard was called, a rumour ran through the court, that lord Essex had that very morning committed suicide in the Tower†. By the judges, the jury, the spectators, the

\* See Lord Grey's Confession, and the numerous depositions in Sprat's history of the Rye-house plot.

† Lord Essex was of a melancholy temperament, and disposed in company to defend the practice of self-murder. On his apprehension he laboured under such confusion of mind before the council that he knew not how to express himself. His counsellors succeeded in calming his spirits; but when he saw from the window of his cell lord Russell led to trial, he relapsed into the same state of depression, and bolted the door of his closet; in which he was soon afterwards found with his head nearly separated from the body. It was supposed that he had

fact was taken as a proof of the guilt of that unfortunate nobleman; and with such impression on the mind it was difficult not to form the same conclusion as to his intimate friend and associate, the prisoner at the bar. As soon as the shock had subsided, Howard gave his evidence in an artful narrative, which, while it detailed at length the plans and proceedings of Shaftesbury and his immediate accomplices, touched but sparingly and tenderly on the conduct of lord William Russell. That the disclosure was wrung from him by the hope, perhaps the secret promise, of pardon, cannot be doubted; that he deserved all the obloquy which it has entailed on his character may likewise be true; but there exists no pretence for charging him with false testimony. It is plain that he was a reluctant witness; that he knew more than he was willing to disclose: that he sought not to establish, but rather to extenuate, the offence of the accused. The only point in his evidence which could affect lord Russell, was that he had twice assembled with Monmouth, Essex, Grey, Howard, Sydney, and Hampden, the first time to consult on the most proper place for the commencement of an insurrection, and the second on the propriety of sending an agent to form a party in Scotland, a measure which was accordingly adopted. Lord Russell made but a feeble defence. He acknowledged that he was present at the meeting at Shepherd's: but it was by mere accident; he stepped in for the purpose of tasting some wine; and heard no mention of any design of surprising the guards. He was also present at the meetings described by lord Howard; but recollected no other subject of conversation than the public news of the day. He denied that credit was due to the witnesses against him, because they laboured to

been driven to this desperate act by self-reproach, by the consciousness that to him was owing the danger in which lord Russell then stood: for the latter had always refused to have any communication with lord Howard, till he was unknowingly led into the company of that nobleman by lord Essex. See Burnet's journal, in App. to the Life of Wilham Lord Russell, ii. 262. I shall not detain the reader with the story of the murder of lord Essex by the king and the duke of York, a story so utterly improbable, that it could never have obtained circulation had it not been through the violence of party.

save their own lives by bringing his into danger ; and he proved that lord Howard had on some occasions denied the existence of any plot, and on another had asserted the innocence of lord William Russell upon oath. At the request of the jury lord Howard was re-examined. He replied that he had done nothing which any other man in his situation would not have done. As long as he was at liberty, it was plainly his interest to ridicule the plot as forgery ; and when the design of assassinating the king was mentioned in his presence, he hesitated not to assert with an oath, what he could assert with truth, that lord Russell was innocent of any such offence.

The chief argument alleged by the prisoner was drawn from the statute of the 25th of Edward III. That statute pronounced the act of levying of war, not the intention of levying war, to be treason. By confining the guilt of treason to the act, it removed it from the intention. Now supposing all the evidence against him to be true, it might prove his intention ; but not one of the witnesses asserted that he had proceeded to any open act. The same reply was made which would be made to the same arguments at the present day : that it was the doctrine of the courts of law, that actually to levy war against the king amounts in all cases to the guilt of treason ; and that to conspire to levy war is also treason, when the object of such conspiracy is to destroy, or depose, or restrain and control the king ; and that, whether such was or was not the object of the consultations at which lord Russell attended, was a question for the determination of the jury. The jury returned a verdict of guilty\*.

\* State Trials, 578—636 Burnet, ii. 365—369 After the revolution the sheriffs, the secondaries and their clerk, and the ten surviving jurors, were examined before a committee of the house of lords. but the result of their answers is that the jury were fairly selected, and that no attempt was made to influence their verdict. Lord's Journals, xiv. 381, 382, 383, 389 392. His attainder was, however, reversed on account of " undue and " illegal return of jurors, he having been refused his lawful challenge to " the said jurors for want of freehold, and of partial and unjust construction of law." Stat. 1 William and Mary.

If we may credit report, a strong appeal was made to the indigence of Charles in favour of the unfortunate prisoner. The duchess of Portsmouth received a hint that a large sum, 50,000*l.*, perhaps 100,000*l.*, would be give in return for a pardon. But the king treated the proposal as an insult. "I will not," he hastily replied, "sell my own and my subjects' blood at so cheap a rate\*." Lord Russell himself was drawn, by the earnest entreaties of his wife, to petition the king, and to solicit the intercession of the duke of York. To the former he most solemnly maintained that he never cherished a thought against his life or against the government. At the same time he confessed with humility and sorrow, that he had been present through ignorance and inadvertence at meetings which were unlawful in themselves, and provoking to his sovereign; and he therefore declared himself ready to spend the remainder of his days wherever the king might appoint, and promised never more to interfere in political matters without his majesty's command†. Lord Russell indulged no hope of success from this petition. It could not be expected that Charles should extend to one whom he thought guilty of treason that mercy, which the same individual and his associates had by intimidation prevented him from extending to so many victims whom he believed to be innocent. It cost the unfortunate prisoner still more to solicit the favour of the duke of York, whom for several years he had pursued with the most bitter and unrelenting hostility. It was to the influence of lord Russell's authority, as much as to the contrivance of Shaftesbury, that the duke owed his banishment from the council and the country: lord Russell had moved

July  
16.

\* Luttrell, in State Trials, 1010 Bunnet, ii. 369. This story receives some confirmation from a passage in the earl of Bedford's petition. that he never had the presumption to think that the royal mercy could be obtained by indirect means: but should think himself, his wife, and children much happier to be left with but bread and water than to lose his dear son for so foul a crime against the best of princes. See it in Life of William Lord Russell, ii. 78.

† Ibid.

and supported in successive parliaments the bill of exclusion, and it was in reality to deprive him of the succession, and perhaps of life, that he had engaged in those intrigues for which he had been condemned. In his letter to that prince he made no attempt to disguise the part which he had taken, but declared that his conduct did not arise from any personal animosity, or evil design: he had acted with sincerity, and under the persuasion that the bill of exclusion was the most eligible way of preserving the religion established by law: now, however, he was ready to engage "never any more to meddle in the least opposition to his royal highness;" and he promised that the interference of the duke on his behalf, as it was a favour beyond what he could expect, should make on him the deepest impression, and lay him under the most lasting obligation\*. Both princes were inexorable. James, indeed, consented to hear what his friends could urge in his favour: but Charles listened to their prayers with impatience; and when lord Dartmouth represented to him the influence of the Russell family, whom it was better policy to conciliate than offend, and his personal obligations to the earl of Southampton, whose daughter lord Russell had married, he briefly replied, "All that is true: but it is as true that if I do not take his life, he will soon have mine." It was, indeed, thought that Charles might have relented, if lord Russell could have been induced to admit the doctrine of passive obedience: but the arguments and entreaties of Burnet and of Tillotson were equally fruitless: he persisted in his former opinion of the lawfulness of resistance to the encroachments of authority; and, as he was known to hold that existing circumstances called for such resistance, Charles might thence infer that the pardon of the prisoner was irreconcilable with the safety of his own person†. But though he refused to grant the petition of the prisoner, he gave him to

\* Ibid. 79—81 Burnet's Journal, 262.

† Burnet, Hist. ii. 370, note.



understand that no advantage should be taken of his forfeiture to the prejudice of his wife or children\*.

Lord Russell met his fate with resignation and fortitude. It was not that he felt no pang at the thought of being separated from all that he valued in life—for, when he spoke of his wife, a tear would occasionally steal from his eye, and betray the emotion which he strove to conceal—but he sought and found consolation in the assurance of the divine mercy, and in the persuasion that his conduct had been justified by the principles which he conscientiously approved. He sometimes men-

\* Burnet's Journal, 274. Lord Russell's Life, 129 It appears from the life of Tillotson by Birch, that on the 16th Burnet argued with lord Russell respecting the question, whether the people "might defend their religion and liberties, when invaded and taken from them, though under pretence and colour of law." Burnet believed that he had convinced him of the unlawfulness of resistance, and communicated the fact to Tillotson, Tillotson to lord Halifax, and Halifax to the king. On Charles it made a deeper impression than anything which had been said in lord Russell's favour before. When, however, Tillotson visited the prisoner on Thursday, he found him fixed in his former opinion, and the utmost which he could extract from him was the assertion that, if he had done wrong in this persuasion, he had sinned through ignorance. The dean administered the sacrament to him the next morning, but afterwards appears to have been induced by his own scruples to write to him a letter, which he delivered in person. "My end," he said, "is to convince your lordship that you are in a very great and dangerous mistake and, being so convinced, that which before was a sin of ignorance, will appear of a much more heinous nature, *as in truth it is*, and call for a very particular and deep repentance . . . I am loth to give your lordship any disquiet in the distress you are in . . . but am much more concerned that you do not leave the world in a delusion and false peace, to the hindrance of your eternal happiness." His arguments against lord Russell's opinion are, 1. The Christian religion doth plainly forbid the resistance of authority. 2. The law which has established the protestant religion, hath declared that it is not lawful on any pretence whatsoever to take up arms, &c. 3. The opposite opinion is contrary to the declared doctrine of all protestant churches. Lord Russell, taking the letter, retired to another apartment, and returning after some time, said that he was not convinced, but that, as he was willing to be so, he hoped God would forgive him if he were in error. It is worthy of remark that Burnet makes no mention of his conference with lord Russell on this subject in his journal, though he pronounces that journal "a perpetual and true relation of all that he could remember between the noble prisoner and himself." (Journal, 279.) After the revolution he alludes to it in his history: but at that time passive obedience was no longer in favour; and therefore, instead of owning that he and Tillotson endeavoured to impress that doctrine on the mind of lord Russell, he only represents them as maintaining that "the party had gone too quick in their consultations, and that resistance, in the condition in which they were then, was not lawful." Burnet, ii. 372

tioned lord Howard, but with scorn, pronouncing himself, even with sentence of death suspended over his head, more happy than the man who, to purchase life, had descended to the disgrace of betraying his associates. In conversation he was calm, and frequently cheerful; of lady Russell, her noble qualities, and her exertions for his life, he spoke in terms of tenderness and gratitude; and, when he had parted for the last time from that admirable woman, who had the fortitude to control her own feelings that she might not add to the poignancy of his, turning to Burnet, he exclaimed, "Now the bitterness of death is passed." The next morning, attended by Til-  
 July 20. lotson and Burnet, he was conveyed in his own carriage to Lincoln's Inn-fields, the place appointed for the execution. The crowd was immense, and a strong military force had been called out in aid of the civil authorities. Lord Russell said little on the scaffold, but delivered a written speech to the sheriffs. He exhibited no symptom of perturbation, and after the example of lord Stafford, refused to give any sign to the executioner, who, having deliberately taken his aim, at two strokes severed the head from the body \*.

By the industry of lady Russell her husband's written speech was already printed, and circulated through the capital. It was the result of much consideration, and had been submitted to the inspection of Burnet. In it lord Russell stated that he died a protestant, and in the communion of the church of England, "though he could " never rise up to all the heights of many people;" that in the prosecution of the popish plot he had acted on the conviction of its reality, which conviction he still retained, and that he knew nothing of any practices to suborn and instruct the witnesses; that he had taken an active part in favour of the bill of exclusion, because he

\* State Trials, 683. 1010 "Il témoigna beaucoup de fermeté en mourant . . . . Plusieurs personnes trempèrent leurs mouchoirs dans son sang. C'est une coutume parmi les Anglois, qui marque leur vénération pour celui qui meurt." Barillon, 3 Août, N. S.

thought that measure necessary to free the nation from the pollution of popery, and to secure the king's life from the danger to which it was exposed through the expectation of a popish successor; that, in the meeting at Mr. Shepherd's, there was some discourse of surprising the guards, but without any engagement to make the attempt, and that many things were said with more heat than judgment, which, though he disapproved in his mind, he did not sufficiently discountenance in words; and that this was not an actual levying of war against the king, which alone is declared treason by the statute of Edward III., whence it followed that he was innocent of the crime for which he stood condemned. He concluded in the following words, "And now, to sum all up, as I had not any design against the king's life, or the life of any man whatsoever, so I never was in any contrivance of altering the government. What the heats, passions, and vanities of other men have occasioned, I ought not to be responsible for, nor could I help them, though now I suffer for them. But the will of the Lord be done, into whose hands I commend my spirit\*."

This paper was calculated to create a strong persuasion of his innocence; but on a close examination it will be found to savour more of the cunning of Burnet, than of the ingenuity of lord Russell†. From the crimes which it denies, posterity has long ago absolved the unfortunate victim. He was too honourable a man to dip his hands in the blood of the king, or to seek the life of any other individual unless by the course of law; and his predilections in favour of monarchy forbade him to

\* State Trials, 685.

† Both Charles and many others thought Burnet the author, who as well as Tillotson was examined on the subject, and dismissed. Lady Russell wrote to the king in favour of Burnet, stating that she had often heard her husband say all that was contained in the paper. After the revolution, however, Burnet acknowledged that the plan and order was his. See Burnet, iii. 372. See Lady Russell's letter in life of lord Russell, ii. 124; and Burnet's journal, *ibid* 266. Also Luttrell, State Trials, 1011.

ann at the subversion of that constitution under which his family enjoyed such rank and influence. But there were other charges against him. Was he not a party to the design of compelling the king by force to banish and disinherit the presumptive heir to the crown? Had he not attended meetings of which this was the only real object? Did he not concur in the design of raising an insurrection in Scotland to co-operate with another in England for the same purpose? On these questions, which hardly admit of doubt \*, he is studiously silent; probably because he could neither deny them with any regard to truth, nor admit them without danger to his associates. That he justified such attempts to his own conscience cannot be questioned: they were consonant to the principles which he maintained, and which in a few years led to the revolution of 1688. But when he embarked in them he must have been aware that he staked his life on the result. Never was any government, however liberal, known to admit in practice that insurrection against itself ought to be suffered with impunity.

The 21st of July is a day memorable in our annals. On it perished lord William Russell, a martyr to the doctrine of the lawfulness of resistance, and on the same day the university of Oxford published its celebrated decree in support of passive obedience. "To the honour of  
" the Holy and Undivided Trinity, the preservation of  
" catholic truth in the church, and that the king's majesty might be secured both from the attempts of open  
" bloody enemies, and the machinations of treacherous  
" heretics and schismatics," that learned and orthodox body consigned to everlasting reprobation the following doctrines: that civil authority is originally derived from the people; that there exists any compact, tacit or express, between the prince and his subjects, from the obligation of which, if one party resile, the other is of course

\* See Burnet, ii. 344. 347. 360. 362.

discharged ; and that, if the sovereign govern not, as by the law of God and man he is bound to govern, he forfeits the right which he previously had to the government. In addition they enjoined "that all and singular " the readers, tutors, and catechists should diligently instruct and ground their scholars in that most necessary " doctrine, which in a manner is the badge and character " of the church of England, of submitting to every ordinance of man for the Lord's sake, teaching that this " submission and obedience is to be clear, absolute, and " without exception of any state or order of men \*." Five years did not elapse before the framers of this decree were called upon to practise the doctrine which it taught. They felt its inconvenience: "the badge and " character of the church of England" were thrown away ; and the university made a present of its plate to the invader, who sought to deprive the reigning sovereign of his crown.

Previously to the succeeding trial, that of Algernon Sydney, a new chief justice was appointed, sir George Jeffreys, of infamous memory. During the sickness of Sanders, his predecessor, he had been recommended by Sunderland to the king ; but Charles expressed a doubt whether his knowledge were equal to so elevated an office, and some reluctance to place a serjeant over the

\* To these propositions are added four-and-twenty others taken from the works of Buchanan, Bellarmine, Milton, Goodwin, Baxter, Owen, Knox, Hobbes, Goodman, Cartwright, and others, asserting that the king has but a co-ordinate authority with the other two estates, and may be overruled by them, that it is lawful to exclude the next heir from the succession, that subjects may lawfully enter into leagues, covenants, and associations without the permission and against the prohibition of the sovereign, that possession and power give right, that oaths are unlawful, that dominion is founded on grace, that kings are bound to submit to presbyterian government as the sceptre of Christ's kingdom, that wicked kings and tyrants ought to be put to death, that it is lawful for a private man, having a call from God, to kill a tyrant, and that Charles I. having made war on his parliament, ceased to be king, and might lawfully be put to death. The decree pronounced "all and every of these propositions false, " seditious, and impious ; most of them heretical and blasphemous, infamous to the christian religion, and destructive of all government in " church and state," and ordered the books containing them to be burnt. Wilkins, con. iv. 610. Somers' Tracts, viii. 420, 424. State Tracts, ii. 153.

heads of the other judges\*. By what arguments the objections of the monarch were removed, is unknown: but three months after the death of Sanders, Jeffreys took his seat as chief on the bench. During his practice at the bar he had proved himself a shrewd and intelligent lawyer, able to discern at the first glance the real merits of a cause, and possessing a greater portion of legal learning than could have been expected from a man habitually devoted to the pleasures of the table. But other qualities are supposed to have influenced the choice of the government. Jeffreys was servile to men in power; he hated the Whigs, who had deprived him of the recordership of London; his arrogance and violence would enable him to bear down all opposition in his court; and public opinion, the best and most effective check on the passions of those who administer the laws, was held by him in sovereign contempt.

Sept. 28. At the trial of Sydney the eyes of the spectators watched alternately the conduct of the judge and of the prisoner, who stood before them as the two champions of the opposite parties. On the one hand, the cool judgment, the undaunted spirit, and the eloquent defence of Sydney excited admiration; on the other Jeffreys showed that he was able to control the impetuosity of his temper, adopting a courtesy of language, and a tone of impartiality, which no man would have anticipated from his previous character†. The principal witness was lord Howard, who repeated his former testimony, and declared that Sydney was a member of the council of six; that he had attended one meeting at the house of Hampden, and another at that of lord Russell; and that he had undertaken to send Aaron Smith to Scotland, to confer with the discontented in reference to an insurrection in that kingdom, and to prevail on some of

\* See Sunderland's letter in *Clar. Corresp.* i. 82.

† Sydney in his apology (*State Trials*, ix. 823) complains that the chief justice would not allow his exceptions to the jurors. Yet the panel contains the names of eighty nine persons (p. 824), of whom fifty-five were challenged, or absent or excused.

them to come to London under pretence of proceeding to Carolina. The prisoner contended with considerable force, that the evidence of Howard deserved no credit. He was a prisoner lying under the same charge; he sought to earn his own pardon by establishing the guilt of others; and he had solemnly asserted, occasionally with the sanction of an oath, as was proved by ten irreproachable witnesses, that the whole story of the conspiracy was a mere fiction. To this the crown lawyers replied that, if the testimony of accomplices were to be rejected, few conspiracies would ever be proved; that the demands of lord Howard were made when he was at large, and when it was his interest to create a disbelief of the plot; and that the earnestness with which he laboured to produce this effect could have sprung from no other source than his own consciousness of guilt. The jury believed him, nor has time brought anything to light which can throw discredit on his testimony. Though Russell, Sydney, and Hampden attempted to show that in some particulars it was improbable, not one of them, either at his trial or after judgment, ventured to pronounce it substantially false; and Hampden subsequently to the revolution boasted before the committee of the house of lords that, "the coming into England of king William was nothing else but the continuation of the council of six \*."

To corroborate the testimony of lord Howard, the attorney-general proved by several witnesses, that the persons mentioned by him actually arrived in London from Scotland, and gave out as the cause of their arrival the pretence suggested at the meeting. He then proceeded from parole to written evidence, exhibiting, "as another

\* See his examination, L. Journ. xiv. 378. Burnet, indeed, in his journal, says, "Lord Russell, the night before his death, said to me in my lady's hearing that my lord Howard in several particulars had sworn falsely and done him wrong. But I did not reckon them up." It is not probable that, if these particulars had affected the substance of the charge, so warm a partisan as Burnet would have omitted to insert them in his journal or his history.

"overt act of treason," a manuscript apparently in the hand-writing of the prisoner, calculated to excite the people to sedition. By Sydney it was argued, that the identity of hands ought not in criminal cases to be inferred from conjectural evidence; that the manuscript, a refutation of Filmer's work upon government, being composed many years ago, could have no relation to a conspiracy supposed to be set on foot in the preceding month of January; that a private writing was not an overt act within the meaning of the statute; and that to every overt act the testimony of two witnesses was required by law. His adversaries replied, that from the comparison of the manuscript with the admitted letters of Sydney neither court nor jury could entertain a doubt of the writer; that though the body of the work had been written some years before, the corrections in it appeared from the colour of the ink to have been recently made; that these corrections, combined with its position on Sydney's desk at the moment of his arrest, showed that he intended to make use of it at that very time; that the crime laid to the charge of the prisoner was not actual insurrection, but a design to take away the king's life, of which design a seditious writing might be considered a sufficient proof; and that it had already been decided in the case of lord Stafford that two witnesses were required, not to each act of treason, but only to the treasonable intention from which those acts proceeded.

The chief justice in his charge to the jury summed up the evidence in a tone of candour and moderation, not often heard in those ages from that bench. But when he came to expound the law, he laid down doctrines from which the common sense of mankind will instinctively revolt. Lord Howard, he said, had proved the traitorous design with which Sydney had sent for certain individuals from Scotland; others had proved that these very individuals had arrived in town: here then were the two witnesses required by the statute: for all the judges had solemnly resolved before the king in council



that, to comply with that statute, nothing more was necessary than to prove by one witness an act of treason, and by another some circumstance contributing to the completion of that act. But, supposing this proof not sufficient, there was the manuscript found on Sydney's desk, a document equal in value to the testimony of two-and-twenty witnesses. It was indeed true that it remained still in the possession of the prisoner, that there was no evidence of his intention to publish it, that it bore not any necessary relation to the intended insurrection: yet in law *scribere* was *agere*, and the writing of a treasonable, though private, paper amounted to an overt act of treason. The other judges signified their concurrence in this opinion, and the jury, subdued by their authority, returned, after a deliberation of half an hour, a verdict of guilty\*.

When Sydney was brought up to receive judgment he repeated, but in vain, the arguments which he had urged during the trial; and the moment sentence was pronounced by Treby, the recorder, he burst into the following exclamation: "Then, O God! O God! I beseech thee to sanctify my sufferings, and impute not my blood to the country or the city. let no inquisition be made for it: but if any, and the shedding of blood, that is innocent, must be revenged, let the weight of it fall only on those that maliciously persecute me for 'righteousness' sake." This passionate apostrophe, which was probably prepared for the occasion, ruffled the composure of the chief justice, who rose and said, "I pray God to work in you a temper fit to go unto the other world, for I see you are not fit for this." "My Lord," replied Sydney, stretching out his arm, "feel my pulse, and see if I am disordered. I bless God, I never was in better temper than I am now†."

The conviction of Sydney was followed by the pardon of Monmouth, a benefit for which that nobleman was

\* State Trials, ix. 819—895.

† Ibid. 896—903.

- indebted to the policy, rather than the friendship, of the marquess of Halifax, who, that he might strengthen himself against the influence of the duke of York in the cabinet, sought to set up an opposite interest by reconciling Monmouth with the king. Having sounded the
- Oct. 13. royal inclination, he communicated with Monmouth in his retreat, assured him of his father's affection, and prevailed on him to address to the monarch a penitent and supplicatory letter. In it the duke solicited pardon both of the king and of his uncle, and, by confining his protestations of innocence to the charge of an intent to
14. murder, tacitly acknowledged his participation in the design of exciting insurrection. He also promised that his future life should be spent in proving the sincerity of his repentance, and begged to be admitted to the presence of his father, "Because," he added, "I have that to say to you, sir, that will for ever, I hope, settle you quiet in your kingdom, and the duke after you, whom I intend to serve to the uttermost of my
25. "power\*." Charles immediately relented; he met Monmouth in secret at the house of major Long in the city; receiving him, indeed, with an air of displeasure, but the displeasure of a parent who seeks the reformation of his child. He reproved the duke for following counsels which must lead to his ruin; spoke with severity of the character of his associates, and left him with some gracious expressions, but still in uncertainty as to the
- Nov. result. Another private interview and several messages
4. followed. Charles assured him of pardon, but insisted that he should previously submit without reserve to the royal pleasure. It required all the address of Halifax to bend the reluctant mind of Monmouth to this condition. He represented it as necessary to conceal the intrigue from the duke of York; he promised that it should lead to nothing humiliating or dishonourable, and he dictated a second letter, which Monmouth with some difficulty

\* See it in Sprat, 157.

consented to transcribe \*. In this, after several pro-Nov.  
testations of regret for his past offences, he was made to 15.  
throw himself "at the feet of the king to be disposed of  
"as he should direct for the remainder of his life," to  
beg that he might be spared the ignominy of a prison  
and a trial, and to request advice how he might best im-  
plore the forgiveness of the duke of York, "which he  
"would do, not as an outward form, but with all the  
"sincerity in the world †." With this letter in his hand 22.  
Charles ventured to break the matter to his brother, who  
declared himself perfectly satisfied; and a note was sent  
to Monmouth stating that, "if he desired to render him-  
"self capable of mercy, he must place himself in the  
"custody of the secretary, and resolve to disclose what-  
"ever he knew, resigning himself entirely to the royal  
"pleasure ‡." The duke obeyed; he was introduced to 24.  
the two brothers: to his father he protested on his knees  
that he was innocent of any design against the royal life,  
but confessed and condemned the part which he had  
taken in the disloyal plans and practices of the conspi-  
rators; then turning to his uncle, he acknowledged him-  
self guilty of many offences against him, solicited for-  
giveness, and promised that, if James should survive the  
king, he himself would be the first man to draw the  
sword in defence of his right whenever occasion might  
require. He subsequently confirmed the truth of lord  
Howard's testimony with the exception of one unim-  
portant particular, named the chief persons on whom the  
conspirators depended in Cheshire, Yorkshire, and the  
west, and unfolded the designs of Argyle in Scotland §.

\* Halifax also informed him that the queen had interceded in his favour with the duke and duchess, for which the king had thanked her. Welwood, 321. This will furnish a reason why he solicited her intercession afterwards, when he was a prisoner in the reign of James.

See it in Sprat, 189.

† See it in Howell's State Trials, copied from the original in the king's hand in the State Paper office, xi., 1097.

§ See the extract in Sprat (136); another from the Memoirs of James, in his Life (i. 742); the letter of that prince to the prince of Orange, Nov. 27, in Dalrymple (App. 53), and Heresby from the testimony of Halifax, 168 175

Both Charles and James assured him of forgiveness and favour : the king presented him to the queen, the duke  
 Nov. to the duchess ; and as soon as his confession had been  
 25. entered in the council-book, the proceedings for outlawry were withdrawn, and a full pardon was prepared. To add to the benefit, the king sent him a present of 6,000*l*.\*

The joy which Monmouth might have felt at this reconciliation was troubled by the reproaches of his own conscience. He had condescended to become an informer ; he had purchased his own safety by betraying his associates ; and his infamy had been announced to the world by the publication of his submission and confession in the Gazette. Till he received his pardon  
 26. under the great seal, he was silent ; but then, conceiving himself free from danger, he began to throw out hints in conversation that he had revealed nothing to the king, which could be deemed confirmatory of the guilt of those who had been brought to trial. This falsehood excited the anger of his father, who, at the suggestion of Ormond, required from him a written contradiction of the  
 Dec. 4. report. He obeyed ; but his letter was deemed evasive,  
 5. and Charles gave him another form, composed or at least written by himself. In it Monmouth was made to assert, “ in consequence of reports that he had gone about to discredit the evidence in the late trials, that the king and the duke knew how ingenuously he had owned the conspiracy, and that, though he was not conscious of any design against his majesty’s life, yet he lamented the great share which he had in the other part of the conspiracy †.” After many a pang, and at the earnest

\* James, *ibid*. State Trials, ix. 1015 Secretary Jenkins to Bulstrode, in Bulstrode’s Memoirs, 332. And for the whole intrigue, Monmouth’s journal, in the appendix to Welwood, 319–322. That this journal is authentic, as far as it goes, I have no doubt. It bears its origin on its face, and agrees with every other credible document. That it is considerably mutilated is acknowledged by Welwood himself, who was unwilling or afraid to publish passages which might be thought to reflect on certain characters.

† See it in Sprat, 141.

solicitation of lord Halifax, he copied this form, and presented it to the king: but the moment he communicated its contents to his friends, he was overwhelmed with reproaches: lord Anglesey sent him written remarks on its dangerous tendency, and Hampden declared that he considered it as his death warrant. Agitated by shame Dec. and remorse, Monmouth passionately demanded back 6. the paper from his father, and Charles, to soothe his feelings, assured him that it should never be produced in any court of justice, and advised him to wait a few hours, and think seriously on the consequences of his conduct. In the morning he renewed his demand, and 7. the king, having exchanged it for the original, forbade him by the vice-chamberlain, ever more to come into the royal presence. He retired to his seat in the country, where the advice or entreaty of the duchess drew from him an offer to retrace his steps, and sign again a similar paper. But it was too late: Charles instantly rejected the proposal\*.

A belief prevailed that this conduct of Monmouth hastened, perhaps occasioned, the death of Sydney, who had petitioned for life, not in the supplicatory tone of a criminal conscious of guilt, but with the spirit and dignity of an injured man appealing to the justice of his sovereign. Charles was thought to waver; nor did he suffer the fatal warrant to be issued, till it was apprehended that to spare the life of the prisoner would be to countenance the false reports circulated by the partisans of Monmouth†. On the same day on which the latter was banished from the presence of his father, Sydney was led to the scaffold erected on Tower-hill. Never did man

\* See the king's own narrative of the whole proceeding in council (State Trials, ix 109;—1099), the examinations of Hampden, sir James Forbes, and colonel Godfrey (L. Journal, xiv 378. 380 382); Bulstrode, 354, James, 743; Retesby, 171; Dalrymple, 54; Carte's Ormond, ii 532. I have described this occurrence the more minutely, as it tends to display the real characters both of Charles and Monmouth.

† "Sydney's life could not then have been spared, but that the mercy " would have been interpreted to proceed from the satisfaction the duke of " Monmouth had given the king that there was no real conspiracy." Ormond to the earl of Arran, Carte, ii. 533

face the terrors of death with less parade or greater indifference. He suffered no friend to accompany him ; he refused the aid of the ministers of religion ; and, when he was asked if he did not intend to address the spectators, he replied, that " He had made his peace with God, " and had nothing to say to man." Having made himself ready, he placed his neck upon the block, and bade the executioner perform his duty.

It was the persuasion of Sydney that civil liberty could flourish only under a republican government. After the death of Charles I. his birth and abilities raised him to the highest rank among the parliamentary leaders : thence by the usurpation of Cromwell he was driven into retirement, where his promises of patient submission could not shield him from the jealousy and precautions of the protector. The re-establishment of the commonwealth called him once more into political life ; and he was employed on a mission to the court of Copenhagen, when Charles II. took possession of the throne. Sydney was again prepared to submit to necessity : but his avowed hostility to the Stuarts had made him an object of more than ordinary aversion\* ; and he preferred the evil of a voluntary exile to the disgrace of asking pardon of the sovereign. From Italy he watched the progress of events : the war of 1663 summoned him from his retreat ; he tendered his services to the enemies of his country, he offered to raise a rebellion in England, and he endeavoured to persuade Louis XIV. that it was for his interest to re-establish the commonwealth. Though Charles was well acquainted with his intrigues and hostility, he afterwards allowed him to visit his

\* " It is said," writes the earl of Leicester to his son Algernon, " that the University of Copenhagen brought their album to you, desiring you to write something therein, and that you did write in also these words :—

*Manus hæc inimica tyrannus,*

" and put your name to them." Sydney answers : " That which I am reported to have written in the book at Copenhagen is true, and never having heard that any sort of men were soe worthily the objects of enmity as those I mentioned, I did never in the least scrupule avowing myself to be an enemy unto them " Blencowe's Sydney Papers, 209, 216.

father, the earl of Leicester, during the last sickness of that nobleman, and ultimately granted him a pardon for his past offences, a favour which, if we may believe him, "he valued not at a lower rate than the saving of his life." But his gratitude soon evaporated, and he employed the benefit against the benefactor. Faithful to his principles, he entered into every opposition to the government, and the English reformer became the hireling of the French ambassador. His apologists have remarked that if he took the money of France, he still persisted in that line of conduct which he deemed most beneficial to his country; which is much the same as to assert that he was mean enough to accept the wages of infamy for doing the work of righteousness. To his last breath the establishment of his beloved commonwealth was the idol of his heart, and the written speech which he delivered to the sheriff on the scaffold concluded with a prayer of thanksgiving to God, "that he died for that *good old cause* in which he was engaged from his youth, and "for which God had so often and so wonderfully declared "himself." This speech the government was careful to publish, and the concluding paragraph inflicted on the cause of the Whigs an injury, which they were unable to repair by the publication of Sydney's apology, a tract dated by him on the day of his death, in which he severely animadverts on the testimony of lord Howard, and on the conduct of the judge\*.

Three of the council of six had paid the forfeit of their lives: of the survivors Hampden alone remained in custody; and against him the charge of treason had been abandoned, and in its place a bill of indictment for a misdemeanour had been found. Monmouth, to his surprise, was served with a subpœna to give evidence on the approaching trial: nor could he avail himself of the royal promise that no use should be made of his confession; for the king replied that he was released from

\* See both the speech and apology in *State Trials*, ix. 907. 916. Also Dalrymple, App. 56 *State Tracts*, ii. 266, 267.

that engagement by the breach of contract on the part of his son \*. The proceeding opened the eyes of the duke to the difficulties in which he had entangled himself. He suddenly disappeared from his house in Holborn; and a few days later he was seen in Zeeland, on his way to the city of Antwerp. The chief witness 1684. Feb. 6. against Hampden was lord Howard: but the crown lawyers took the opportunity to fortify their former charge against Sydney, and proved beyond contradiction the mission of Aaron Smith to Scotland, and his return to the capital. Hampden, after a long, and apparently an impartial trial, was found guilty, and adjudged to pay a fine of 40,000*l.*, which, considering his circumstances, was equivalent to a sentence of imprisonment pending the life of his father †.

During the course of the year two other individuals, 21. April Halloway and Armstrong, suffered death on account of the plot. Both had fled beyond the sea, and were in consequence outlawed. Halloway being apprehended in the West Indies, was brought back to England, and petitioned for mercy. The benefit of a trial, which was 30. offered, he refused, and suffered death on the outlawry, confessing his participation in the design of insurrection, but not in that of assassination ‡. The other sir Thomas Armstrong, had been taken by the civil authorities at Leyden, and delivered to Chudleigh, the English ambassador, at the Hague. At the bar of the 14. June King's Bench he demanded a trial, founding his claim on the statute of the 6th of Edward VI., which gave to the outlaw for treason, if he resided beyond the sea, the

\* Carte's Ormond, n. 533. State Trials, 1017

† State Trials, 1053—1126. When he complained that the fine was excessive, and contrary to the *salvo contentamento* of Magna Charta, it was answered that an offence which in reality amounted to high treason, required a severe punishment, and that the provision in Magna Charta regarded amercements, and not fines.

‡ State Trials, x. 1—30. Burnet, ii. 405. James in a letter to the prince of Orange says that the trial was offered him, because it would afford another opportunity of proving from his confession the existence of the plot. Dalrymple, 49.



right of traversing the indictment, provided he yielded himself to the chief justice within the term of one year from the date of the outlawry. But Jeffreys replied that, though the term was not expired, his case came not within the statute. The favour was granted only to those outlaws, who, being at large in foreign lands, spontaneously surrendered themselves to trial, for the purpose of proving their innocence. But he was not at large. He was a prisoner: he came not of his own will; he was brought there by force to suffer the punishment of his crime. Armstrong still insisted: he claimed as his right the benefit of the law: to which Jeffreys had the barbarity to reply; "And the benefit of the law you shall have, by the grace of God. See that execution be done on Friday next according to law." Why, it may be asked, was that grace refused to Armstrong which had been offered to Halloway? The former had sinned more deeply. In return for the royal favour, which he formerly enjoyed, he had sold himself to the French ambassador to oppose the government of his benefactor, he had been the adviser of Monmouth in his undutiful conduct to his father, and had proved one of the most active and dangerous agents in the late conspiracy. Charles resented his ingratitude, and refused to listen to any representation in his favour. On the scaffold Armstrong imitated lord Russell. The charge of designing to assassinate the king, and to change the form of government, he denied in the strongest terms: on the minor charge of insurrection he said nothing, and his silence was considered equivalent to an avowal\*.

June  
20.

The discovery of the plot, and the subsequent punishment of the conspirators, had completed the triumph of the court. The Whigs retired from the contest; the liberal principles of government, which they advocated, were excluded from general conversation; the duty of passive obedience was inculcated at the bar, on the bench,

\* State Trials, x. 105—124. Burnet, ii. 407.

and from the pulpit; and addresses were daily presented to the throne, expressive of the firmest attachment to the royal person, and of unbounded submission to the royal will. After a long and hazardous struggle, the king found himself invested with almost absolute power by the spontaneous declarations of his subjects; and he was careful to cultivate and improve the change, by gratifying them in a point which they deemed of the first importance to the safety of their religion. His brother was a catholic; but it was not probable that he could survive the king many years, and his presumptive heir, the princess Mary, had been educated a protestant and married to a protestant. To add to this security Charles had insisted that her sister, the princess Anne, should also be bred in the protestant faith, and he now resolved to give to her a protestant husband. For this purpose he selected George, the brother to the king of Denmark. His religion constituted the sole merit of that prince: but the announcement of the king's intention gave universal satisfaction, and the nuptials were celebrated with the applause and congratulation of the whole kingdom\*.

Charles enjoyed uninterrupted tranquillity during the remainder of his reign. Relieved from the constant assaults of a powerful faction, he employed his attention in strengthening his power, and in guiding the opposite parties which sprung up among his own ministers. 1. In the course of time several boroughs, by the exercise

\* I should perhaps notice the severe frost at the beginning of 1684. On the 24th of January Evelyn writes thus. "The frost continuing more and more severe, the Thames before London was still planted with booths in formal streets, all sorts of trades and shops furnished and full of commodities, even to a printing press. . . . Coaches plied from Westminster to the Temple, and from several other stans to and fro as in the streets, slides, sliding with skates, a bull baiting, horse and coach races, puppet plays and interludes, cooks, tippling, and other lewd places, so that it seemed to be a Bacchanalian triumph or carnival on the water. . . . London, by reason of the excessive coldness of the air hindering the ascent of the smoke, was so filled with fuliginous steam of the sea-coal, that hardly could one see cross the streets, and this filling the lungs with its gross particles, exceedingly obstructed the breast." Evelyn, iii. 109.

of those exclusive privileges which had been conferred on them by ancient grants from the crown, had grown into nests or asylums of public malefactors, and on that account were presented as nuisances by the grand jurors at the county assizes. Writs of *quo warranto* were issued : the corporations thought it prudent to submit ; and the old were replaced by new charters, which while they preserved to the inhabitants the more useful of their former liberties, cut off the great source of the evil by giving to the county magistrates a concurrent jurisdiction with those of the borough. But the reformation of abuse was quickly made the pretext for increasing the influence of the crown ; and the success with which this was effected, in a few instances, excited a wish of extending the alteration to every part of the country. Hitherto, for several years, the Whigs had possessed in many places the power of returning individuals of their own party as members of parliament : by the new charters an adverse interest was established in each borough, and the choice of representatives was confined to persons attached to the court. On this account the inducements of promises and threats were held out to corporations, to prevail on them to part with their ancient privileges ; every surrender of a charter was received with expressions of gratitude by the ministers ; and the persons who had been instrumental in procuring such surrenders received assurances of favour and reward. Of these Jeffreys, as he was the most eminent in office, became the most distinguished by his success. When he departed from court for the northern circuit, Charles gave him publicly a ring from his finger ; notice of the royal gift was published in the Gazette ; and the hope of profiting by the influence of so distinguished a favourite led the corporate bodies, whom he addressed, to submit implicitly to his suggestions. Neither had the boroughs much reason to complain. By the renewal of their charters they lost no franchise which it was reasonable that they should retain ; many acquired rights which they did not

previously possess : but individuals suffered, because the exercise of authority was restricted to a smaller number of burgesses, and these, according to custom, were in the first instance named by the crown. The surrender and renewal of charters continued to the end of this, and during great part of the next reign\*.

2. At the same time a succession of prosecutions at the instance of government intimidated and silenced its adversaries. Some persons were brought to trial for seditious or slanderous words, several for the publication of libels ; Braddon and Speke for a conspiracy to fasten on the royal brothers the guilt of the murder of Essex ; and Dutton Colt and Titus Oates for *scandalum magnatum* against the duke of York. That these men were guilty of the offences imputed to them cannot be disguised : but in many cases the punishments inflicted of fine and the pillory were unjustifiably severe ; and it would have been more magnanimous in the duke to have despised the habitual slander of two miscreants, than to have them immured in prison in consequence of the damages awarded to him to the amount of 100,000*l*.

Nov. The last prosecution of consequence was that of Rosewell, a dissenting minister, for the offence of high treason. 18. The jury found him guilty : but a doubt existed of the 27. credit due to the witnesses ; and, as Jeffreys countenanced his objections against the accuracy of the indictment, the king granted him a full pardon†.

Jan. 3. Five years had elapsed since the committal of the 28. earl of Danby and the catholic lords to the Tower. Of the unparalleled hardship of their case no doubt can exist ; but the king had hitherto shrunk from any measure which, by relieving them, might revive the

\* North, 624—627. Bulstrode, 383. Echard, 1043 1045

† The reader will be surprised to hear from the lips of Jeffreys the following humane opinion, which he expressed during the arguments on this case. " I think it is a hard case that a man should have counsel to defend him for a two penny trespass, and his witnesses examined upon oath ; but if he steal, commit murder or felony, may high treason, where life, estate, honour and all are concerned, he shall neither have counsel nor his witnesses examined upon oath." State Trials, x. 267.

clamour of his enemies ; and prudence taught the judges not to interfere with the jurisdiction of the high court of parliament. Now, however, the ascendancy of the Tories seemed to be firmly established ; the death of lord Petre, whose constitution sunk under the rigour of a long confinement, awakened the compassion of the public \* ; and Charles signified his wish that some expedient might be devised for the relief of the survivors. For some time the question was kept in suspense by the arts of those whose ambition feared that Danby, were he restored to liberty, might recover his former influence with the king, and supplant them in the cabinet. But his conduct with respect to the revelations of Oates had alienated both the royal brothers ; nor would it have been decorous to give the administration of affairs to a man under impeachment by the house of commons. The opposition gradually wore away : on the last day of term the earls of Danby and Powis, and the lords Arundel and Belasyse, were brought by writ of *habeas corpus* before the court of King's Bench ; the judges severally delivered their Feb. 12. opinions that " in justice and conscience " the prisoners ought long ago to have been admitted to bail ; and each was discharged, having previously entered into a recognizance of 10,000*l.* for himself, and produced four sureties of 5,000*l.* each, that he would appear at the bar of the house of lords in the next session of parliament, and not depart without the permission of that court †.

4. The power of the lord privy seal had been on the wane ever since the return of the duke of York. His successful efforts against the bill of exclusion deserved the gratitude of that prince ; but the memory of the benefit had been obliterated by his subsequent conduct. Halifax had suggested and advocated the different expedients to deprive the duke of power, if he came to the

\* From his death-bed he sent a letter to the king, in which he declared his attachment to the sovereign, his forgiveness of his accusers, and his innocence of the plot. See it in *Somers, Tracts*, viii. 121.

† Luttrell in *State Trials*, ix. 1019. Reresby, 177. Dalrymple, 73.

throne, had advised his banishment, and had strenuously opposed his recall. But that, which James resented still more keenly was his recent intrigue in favour of Monmouth, and his perseverance in the attempt to reconcile the father and son, even after the fresh disobedience and flight of the latter\*. Hence, to fortify himself against the dislike of James, the wily statesman resolved to advise the calling of a parliament. It would be a popular measure at a moment when the national jealousy had been aroused by the new aggressions of the French king on the Spanish Netherlands†: and he represented to Charles that had he summoned a parliament on the discovery of the Rye-house plot, the loyalty of the people would have returned a house of commons anxious to meet all his wishes; that it was not yet too late: for the flame still continued to burn, though it was insensibly wasting away; that the interval allowed by the triennial act had already expired; and that delay would disappoint the expectation of the people, disappointment might breed discontent, and discontent would lead to the revival of the popular party. But the very name of parliament sounded gratingly in the ears of a monarch who contrasted his present tranquillity with the disquiet, alarm, and exasperation which he had so often endured from that assembly; and instead of yielding to the reasons adduced by the minister, he accepted his very courtly offer, of sacrificing his own opinion to the pleasure of his sovereign, and of making it his study to invent some excuse, which should satisfy the minds of the people‡.

James at first appeared to take no part in the conduct of government: by degrees he was re-established in his former pre-eminence. His services in the office of lord high admiral had always been acknowledged; and the indolence, or incapacity, or corruption of those by whom he was succeeded had become a subject of popular com-

\* Reresby, 174.

† His object was to extort from Spain the cession of the "dependencies" which he claimed. See p. 265, note

‡ Reresby, 176

plaint. Charles dissolved the commission, and placed May. the whole business of the admiralty under the control of his brother; but, to shield him from the penalties enacted by the test act, exercised the office himself, signing all those papers to which the signature of the lord high admiral was required\*. The approbation with which this arrangement was received encouraged him to go a step farther. He felt himself strong enough to set the test act at defiance; and introducing his brother into the council, bade him take his seat among the members. This proceeding, however, excited some murmurs. Even the Tories could not discover by what right he had thus of his own authority set aside an act of parliament†.

Hyde was deservedly the chief favourite of the duke. He had recently been created earl of Rochester, held the place of first commissioner of the treasury, and was destined in the opinion of the court to be raised to the office of lord high treasurer. To prevent the elevation of this dangerous competitor, Halifax charged him with negligence or embezzlement; and after a long contest Aug. Rochester was removed from the treasury board to the office of president of the council, from a post of considerable influence to one of higher honour but comparative insignificance. He was, in the language of Halifax, "kicked up stairs:" but the royal brothers had a more distinguished office for him in view. Desirous to place the army in Ireland under the immediate control of the crown, they resolved to appoint Rochester lord lieutenant of Ireland in the place of the duke of Ormond; but at the same time to separate the military command from the civil government, intrusting the latter only to the care of the new viceroy. Rochester accepted the offer, nor did Halifax object to an appointment which relieved him from the presence of a rival‡.

\* "Every one was glad of this change, those in the late commission being utterly ignorant of their duty, to the greates damage of the navy." Evelyn, m. 115.

† Bulstrode, 377. Dalrymple, 50. Reresby, 181

‡ Reresby, 185. Bulstrode, 385. 389 Burnet, u. 433.

About the same time an abortive attempt was made to obtain relief for the catholics and dissenters. The persecution of the former, though it had abated in violence, did not end with the reign of Titus Oates, but had been kept alive by the proclamation of the king, and the circular of the archbishop in 1681. The number of those who during the last five or six years had been presented and convicted of recusancy, amounted to some thousands. To have inflicted on all these the legal penalties would have demanded additional places of confinement; but those who were suffered to remain at large, enjoyed their liberty only at the caprice or pleasure of their neighbours, paid for the benefit by fees and presents to the inferior officers, and were subject to restraints which made them feel as prisoners in their own houses. The dissenters, indeed, as long as the Whig leaders were triumphant, had been spared as useful and zealous auxiliaries; but, when victory inclined to the court, they became equally obnoxious to the orthodoxy of the conquerors, and were made to suffer the penalties enacted against recusants, and the frequenters of conventicles. A measure of relief for both classes was now devised, or at least patronized by the duke of York, who, though he probably felt more for the sufferings of men of his own faith, sufferings chiefly inflicted on his own account, had constantly assured the dissenters of his abhorrence of all penal laws on matters of conscience. According to a preconceived plan, Jeffreys, who had lately been admitted into the council, placed one morning on the table a huge mass of papers. They were, he said, rolls of the names of convicted recusants, which he had collected during the last circuit: the gaols were crowded with them to suffocation; it would be an act of mercy to restore these prisoners for conscience' sake to air and liberty, and on that account he recommended the subject to the royal consideration. A long pause ensued: the silence was broken by North, the lord keeper, who, aware of the real inclination of the king and his brother, sought to defeat



the measure without giving offence. Among the recusants were, he observed, many nonconformists, men hostile by principle to the monarchy. If it were wished to show favour to any of the catholic recusants, it might be done by particular pardons; but a general pardon would set at ease the king's enemies no less than his friends, and free a turbulent and seditious class of subjects from the wholesome restraint of the laws. When he had done, a second pause occurred; and the council passed to other business of the day; but the slumbering zeal of the bishops was awakened by this dangerous attempt, and they were careful to inculcate in charges to the clergy the duty of presenting all the recusants in their respective parishes, whether they were protestants or catholics\*. In one respect, however, the king followed his own inclination. He granted their lives to several catholic priests, under sentence of death for having taken orders in the church of Rome, and sent them out of the kingdom †.

Dec.  
29.

Halifax could not conceal from himself the rapid decline of his influence. He was still, indeed, consulted, but chiefly on matters connected with his office. Charles continued to speak to him with kindness, and gave him assurances of favour, but, as he significantly observed, "Though he knew what the king said to *him*, he knew not what he might say to others." His sole reliance was on the renewal of that intrigue, which had been broken by the obstinacy of Monmouth; he again undertook to supplant the duke of York by reconciling the king and his son, a task the sole difficulty of which arose in his judgment not from disinclination on the part of the father, but from his unwillingness to embroil himself with the duke of York. With this view Halifax advocated the cause of the exile in private, and supported his hopes by letters and messages. Monmouth had re-

\* Life of North, 235. Ralph, 831. MS papers in my possession.

† Barillon, 8 Janv.

tired to Brussels, whence, after some stay, he proceeded to Holland. In Brussels he was treated by De Grana, the Spanish governor, and in Holland by the prince of Orange, as if they were anxious to secure his friendship. He ate at their tables; their troops were ordered to receive him with military honours; and provision was carefully made for his wants and pleasures. The prince

July 5. invited him to hunt at Direu; and at the Hague the princess paid the most marked attention to his mistress, the lady Harriet Wentworth, only daughter and heiress of the earl of Cleveland. It was in vain that the duke of York complained to his daughter and her husband in no very measured terms of their conduct, and that Charles remonstrated in person to the foreign ambassadors in England, and by his envoys to the prince, the States, and the Spanish government. The usual reply was, that foreigners knew nothing of any real offence which Monmouth might have committed. It was enough for them that he was the king's son: the attention which they paid to him in this capacity grew out of the respect which they entertained for his father\*. This answer, however, could not explain the obstinacy with which they persisted in the same conduct after repeated expostulations on the part of Charles: the truth was that they gave no credit to the assertion of his displeasure, they had received private assurances that "he loved Monmouth as his own eyes," and that he was gratified with those demonstrations of respect to him, which might serve to relieve the tedium of his banishment; and they persuaded themselves that, when the exile should be publicly restored to favour, they should reap the benefit by a change of counsels with respect to the foreign policy of England †. At length, Van Citters, the Dutch

Oct. 31.

\* D'Avaux, iii. 52; iv. 8 17. 28. 43. 59 Dalrymple, 56, 57. Hulstrode 376, 377 384 390.

† "The marquis de Grana told me, he knew from whence the king's displeasure came; that it was the duke of York, who was the great enemy of the duke of Monmouth, whom the king loved as his own eyes."

ambassador, at the request of Charles, repaired to the Hague; a new, but in all probability a counterfeit negotiation ensued; the prince appeared to submit to the pleasure of his uncle, and Monmouth departed under the pretence of returning to Brussels. But he soon disappeared, came privately to England, had a secret interview with his father, and went back to the Hague with a promise that within three months he should be publicly received at court, and the duke of York be banished in his turn into Flanders or Scotland\*. With his visit to England, and his clandestine correspondence with Halifax, James was perfectly acquainted; but of the king's promise he probably knew nothing. Charles had requested him to go and hold a parliament in Scotland, to which he had assented, looking on the proposal as a fresh proof of the friendship and confidence of his brother†.

Concurrent with this intrigue there existed another, which had for its object the disgrace of Halifax himself. In council he had advised the king to give to the English colonies in America local legislatures in imitation of that in the mother country; and in support of his argument had expatiated on the superiority of a representative over a despotic government. His words were noticed by his adversaries, who insinuated to the king, that the old leaven still fermented in his breast; that he still cherished antimonarchical principles; and that he was a dangerous man to be trusted with so important an office as that of the privy seal. Charles listened, or appeared to listen, to these suggestions; they were repeated by the duke of York, the duchess of Portsmouth, and lord Sunderland; and an assurance was

Bulstrode, 390. "Je sais que dans le fonds du cœur il a toujours quelque amitié pour lui, et que le roi ne peut être fâché, que je lui aye fait de civilités." The prince to Bentinck, Dalrymple, 62.

\* D'Avaux, iv. 67. Dalrymple, 58. 74. 94. Welwood, 322. "Feb. 3. A letter from L. (Halifax) that my business was almost as well as done, but must be so sudden as not to leave room for 39's (the duke's) party to counterplot; that it is probable he would choose Scotland rather than Flanders or this country, which was all one to 29 (the king)." Monmouth's diary in Welwood, 323.

† D'Avaux, iv. 71, 72. 93. 94. Fox, App vii.

obtained that on the first fitting opportunity the obnoxious minister should be removed from office, if he did not previously retire of his own accord \*. It is probable that the king equally dissembled with both parties. He suffered their intrigues, rajoled them with the hope of victory, promised to the duke the dismissal of Halifax, to Halifax the banishment of the duke; and thus, by abusing their credulity, purchased for himself a momentary relief from disquietude, and removed to a future and uncertain day the task of deciding between their conflicting claims and recriminations.

1685. That day, however, he was not destined to see. On  
Feb. 2. Monday, the second of February, after a feverish and restless night, he rose at an early hour. To his attendants he appeared drowsy and absent: his gait was unsteady, his speech embarrassed. About eight, as he walked across the room to his chair, he fell on the floor in a state of insensibility, with his features strongly convulsed. It fortuned that two physicians were within call, of whom one, who had practised as a surgeon, instantly opened a vein. The blood flowed freely: the most stimulating remedies were subsequently applied †, and the royal patient gradually recovered his consciousness and the use of his speech. In the evening he suffered a relapse, but unexpectedly rallied the next morning, and improved so much in the course of that and the following day, that his physicians began to cherish the hope of his recovery. But in twenty-four hours the prospect changed. The king's strength was exhausted; doses of Jesuits powder were administered without effect; he repeatedly fell into a state of stupor, and on the fourth evening it became evident that his

5.

\* Fox, App vii—ix; and a letter of Baillon, 1 Janv.

† " Ou lui mit des poches chaudes sur la tête, sans qu'il parût les sentir . . . on lui a appliqué des vésicatoires à la tête, aux épaules, aux bras, et aux jambes, on lui a donné des vomitifs en quantité, qui ont fait quelque effet." Baillon, 12-14 Fev. " Le Roi estoit dans une chaise, un ler rouge sur la teste, les dents qu'on lui tenoit ouvertes à force." Recit de la mort du feu Roi d'Angleterre, by a nun of Chaillot, who wrote it for the use of the community from the mouths of James and his queen on 10 Sep. 1692. N. S.

dissolution was rapidly approaching. The impression which these changes made on the public mind furnishes a strong proof that Charles, with all his faults, was beloved by his subjects. The announcement of his malady spread a deep gloom over the metropolis: the report of his convalescence the next day was received by the citizens with expressions of joy, the ringing of bells, and numerous bonfires. When at last the danger became manifest, crowds hastened to the churches to solicit from heaven the health of their sovereign; and we are assured that repeatedly the service was interrupted by the sighs and sobs of the congregation. In the two royal chapels the ministers succeeded each other in rotation; and the prayers were continued every two hours till his death\*.

After the first attack, the moment the king recovered his speech, he had asked for the queen, who came immediately, and continued to wait on him with the most affectionate attention, till the sight of his sufferings threw her into fits, and the physicians forbade her to leave her own apartment. Interest, as well as affection, prompted the duke of York to be present: nor did he ever quit the bed-side of his brother, unless it were for a few minutes to receive reports concerning the state of the city, and to give orders for the maintenance of tranquillity and the securing of his own succession. In like manner the archbishop of Canterbury and the bishops of London, Durham, Ely, and Bath and Wells, were constantly in attendance, and one of them watched in his turn during the night in the king's chamber. Early on the Thursday morning Kenn, of Bath and Wells, seized a favourable moment to warn the monarch of his danger; and the air of resignation, with which the announcement was received, encouraged him to read the office appointed for the visitation of the sick. When he

\* See M. S. letters of Barillon (12-14 Feb.), and a very interesting letter to sir Robert Southwell from Mr. Finzer, one of the medical attendants, in the London Monthly Miscellany, p. 383.

came to the rubric respecting confession, he paused—observed that it was a matter not of obligation, but of choice—and, receiving no answer, asked whether the king repented of his offences against the law of God. Charles replied in the affirmative, and the prelate having pronounced the usual form of absolution, asked if he might proceed to the administration of the sacrament. The king appeared to take no notice of the question; but Kenn renewed the proposal with a louder voice, and Charles replied in a faint tone, that there was still time enough. The elements were, however, brought and placed on a table; and the question was repeatedly asked by the bishop, who could extort no other answer from the dying man but that “He would think of it.”

Hitherto the duke of York, though aware of his brother's secret preference of the catholic worship, and reminded of it both by his own wife at the request of the queen, and by Barillon at the instance of the duchess of Portsmouth, had been silent on the subject of religion. It was not that, as the ambassador suspected, his attention was entirely absorbed by the necessity of providing for his own succession; but that he knew not what course to pursue in a matter of so much delicacy and danger. By law the reconciliation of any individual to the church of Rome was an act of high treason; no priest could be privately introduced to the king for that purpose, whilst the room was crowded with lords, bishops, and medical attendants\*; and to remove them without a plausible reason could only provoke suspicion and inquiry. He had noticed and understood the evasive and reluctant language of his brother to bishop Kenn in the morning: and probably indulged a hope that Charles by an open and spontaneous declaration would free him

\* Barillon tells us that the attendants in the room amounted to more than twenty (p. 92). Frazer that they were five bishops, and twenty-five lords and privy councillors, p. 384. He adds that every night “there sat” in the room by him four doctors, four lords of the council, three lords of “the bed-chamber, three grooms of the bed-chamber, one apothecary and “one surgeon, besides several inferior servants” Ibid,

from responsibility. In this he was disappointed; and about six or seven in the evening, having motioned to the company to withdraw to the other end of the apartment, he knelt down by the pillow of the sick monarch, and asked if he might send for a catholic priest. "For God's sake do!" was the king's reply; "but," he immediately added, "will it not expose you to danger?" James replied, that he cared not for the danger; and, having despatched a trusty messenger in search of a priest, stated aloud that the king required all present to quit the apartment, with the exception of the earl of Bath, lord of the bed-chamber, and the earl of Feversham, captain of the guard: an exception owing to this, that, as they were both protestants, their attendance was likely to prevent, or to suppress, any sinister reports. In a short time Chiffenich conducted Hudleston—the same who had waited on the king at Moseley, after the battle of Worcester—through the queen's apartments to a private door on the right hand of the bed; and James introduced him to the king with these words: "Sir, this "worthy man once saved your life; he now comes to "save your soul." The priest threw himself on his knees, and offered to the dying monarch the aid of his ministry. To his inquiries Charles replied that it was his desire to die in the communion of the Roman catholic church; that he heartily repented of all his sins, and in particular of having deferred his reconciliation to that hour; that he hoped for salvation from the merits of Christ his Saviour; that he pardoned all his enemies, asked pardon of all whom he had offended, and was in peace with all men; and that he purposed, if God should spare him, to prove the sincerity of his repentance by a thorough amendment of life. Hudleston, having received his confession, anointed him, administered the eucharist, and withdrew \*. It was desirable

\* Barillon makes several mistakes respecting Hudleston. He tells us that the English monk was no great doctor, and was on that account previously instructed by a Portuguese friar: whereas, the truth was that

that the object of his visit should be concealed. But the eyes of all had been fixed on the royal bed-chamber: the exclusion of the physicians and attendants during three-quarters of an hour awakened suspicion; and, as the furtive introduction and departure of Hudleston had been witnessed by the queen's attendants and chaplains, in a few days the real fact was whispered throughout the palace\*.

During that night the king suffered at times the most distressing pain: but in the intervals between the paroxysms his mind was calm and collected, and he spoke of his approaching death with composure and resignation. The queen by a messenger excused her absence, and begged him to pardon her any offence which she might have given. "Alas, poor woman!" he exclaimed, "she beg my pardon? I beg hers with all my heart: take back to her that answer." About two o'clock, looking on the duke, who was kneeling at the bedside, and kissing his hand, he called him the best of friends and brothers, desired him to forgive the harsh treatment which he had sometimes received, and prayed that God might grant him a long and prosperous reign. The name of Monmouth never passed his lips; but he sent

Hudleston employed the Portuguese, Bento de Lemos, to go to St James's and bring the Sacrament, whilst he himself prepared the king to receive it. Hudles. p. 85.

\* See Baillon's very circumstantial narrative in a letter to Louis XIV. two days afterwards (Dalrymple, App. 90). Hudleston's own account in "Short and Plain Way," 84-91; James, *Memoirs* 746, and *Recit de la Mort*, &c., by the nun of Chaillot. Still the editor of Fraser's letter looks upon that document as conclusive evidence that Hudleston had no interview with the sick monarch, for two reasons; 1<sup>o</sup> Fraser does not mention it. 2<sup>o</sup> the bishops would not have allowed it. But both reasons are founded on an imaginary basis. 1<sup>o</sup> Hudleston was sent for between seven and eight (Hudlest. 84.) Fraser says only that he went to Whitehall *some time* on Thursday night. He might therefore arrive after Hudleston had left: or, if he came before, he would certainly be introduced to the other medical assistants, who were shut up in a small room, and ignorant of what was passing in the king's chamber, "dans un cabinet, dont on ferma la porte." Dalrym. 93. 2<sup>o</sup> The bishops could not prevent it, for, at the request of the duke, they had withdrawn into the anti-chamber, where they could know nothing of the coming and going of Hudleston by the back stairs of the queen's apartment. "Chacun se regardoit dans l'anti-chambre, et personne ne se disoit rien que des yeux, et à l'oreille. La présence de Milord Bath et de Milord Feversham, qui sont protestans, a un peu rassuré les evesques." Dalrymple, *ibid.*



for his other illegitimate sons, recommended them to James, and, drawing each to him by the hand, successively gave them his blessing. At this sight one of the prelates observed that the king, the Lord's anointed, was the common father of all his subjects; every one present instantly threw himself on his knees, and Charles, being raised up, pronounced a blessing over them. He then expressed a hope to his brother that "poor Nelly" (Gwyn) would not be left to starve," recommended the duchess of Cleveland to his protection, and spoke warmly in favour of the duchess of Portsmouth\*, who might, he feared, on account of her political conduct, incur the resentment of his successor. Thus the night passed away. About six in the morning he complained of pain in the side accompanied with a difficulty of breathing: to remove which eight ounces of blood were taken from his arm. Three hours later he lost the faculty of speech, Feb. 6. and about noon calmly expired †.

In person Charles was tall and well proportioned, his complexion swarthy, his features singularly austere and forbidding. He inherited from his father a sound and robust constitution, which in his youth he had impaired by indulgence, and afterwards laboured to restore by attention to diet and exercise. In health he was wont to purchase at exorbitant prices the secrets of empirics but in sickness his good sense taught him to rely on the skill of his physicians.

The disposition of his mind presented an extraordinary contrast to the harsh and repulsive lines traced on his countenance. He was kind, familiar, communicative. He delighted in social converse, narrated with infinite humour‡; and, as he was the first to seize and expose

\* Il l'a fort recommandée à sa M. le duc de York, avant de mourir Bail. Fev. 16 MS.

† See the preceding references, and *State Tracts*, 290; Ellis (*Letters first series*, iii. 333, and *second series*, iv. 74—80); and Evelyn (iii. 128—132). If the reader compare Burnet (ii. 454—460) with these authorities, he will observe how strangely truth and falsehood are mixed up together in the narrative of that prelate.

‡ Temple, speaking of him on one occasion, says, "I never saw him in

what might be ridiculous in others, so he never refused to join in the laugh when it was raised at his own expense. Parade and ceremony he held in aversion : to act the part of a king was to him a tiresome and odious task : and he would gladly burst from the trammels of official greatness, that he might escape to the ease and comfort of colloquial familiarity.

With talents, said to be of the highest order, he joined an insuperable antipathy to application ; whence it happened that, to the scanty stock of knowledge which he had acquired in his youthful days, he made but few additions in a more advanced age. He sought amusement, and displayed taste in planting, gardening, and building : sometimes solicitude for his health led him to attend anatomical dissections, and sometimes a spirit of curiosity engaged him in chemical experiments : but the subject of his favourite study, if study it may be called, was naval architecture ; in which he had the credit, not only of being a proficient, but of having made some valuable improvements.

Impatient of trouble, and fearful of opposition, he looked upon the practice of dissimulation as the grand secret in the art of reigning. A king, he argued, was surrounded by men, who made it their object, as it was their interest, to deceive him. His only protection consisted in the employment of the same weapon : it was necessary for him to deceive, that he might not be deceived. But Charles practised this doctrine to an extent which marred his own purpose. Experience taught others to disbelieve him as much as he disbelieved them. They distrusted his most solemn promises and asseverations ; they paid no attention to his words, but studied his looks to ascertain his real meaning ; and the result

" better humour, nor ever knew a more agreeable conversation when he  
 " was so, and, when he was pleased to be familiar, great quickness of con-  
 " ception, great pleasantness of wit, with great variety of knowledge, more  
 " observation, and truer judgment of men, than one would have imagined  
 " by so careless and easy a manner as was natural to him in all he did  
 " and said. He desired nothing but that he might be easy himself, and  
 " that everybody else should be so " in 419.

repeatedly proved that, in seeking to impose on others, he had in reality imposed on no one but himself.

From the commencement to the close of his reign he was the slave of women: but, though he tolerated their caprice, though he submitted to their intrigues, he was neither jealous nor fastidious, freely allowing to them that latitude of indulgence which he claimed to himself. His example in this respect exercised the most pernicious influence on the morals of the higher classes of his subjects. His court became a school of vice, in which the restraints of decency were laughed to scorn; and the distinctions which he lavished on his mistresses, with the bold front which he enabled them to put on their infamy, held out an encouragement to crime, and tended to sap in youthful breasts those principles of modesty which are the best guardians of female virtue. There may have been other periods of our history in which immorality prevailed, but none in which it was practised with more ostentation, or brought with it less disgrace.

Of his pecuniary transactions with the king of France no Englishman can think without feelings of shame, or speak but in the language of reprobation. He may have attempted to justify them to his own conscience: he may have persuaded himself that he only took the money of another for doing that which it was his own duty to perform: but it is plain that, from the moment in which he became a pensioner, he ceased to be an independent agent. The possession or forfeiture of a considerable income must necessarily have had great weight in the deliberations of a needy and prodigal monarch. But this was not an age of public virtue. We shall look for it in vain either in the sovereign or in the patriots who opposed him. Both sacrificed at the shrine of the same idol—their personal interest.

It was the persuasion of Charles that his political adversaries sought the re-establishment of a commonwealth, theirs that *he* cherished designs subversive of the liberties of the subject. These jealousies, founded perhaps

in prejudice more than in truth, produced their natural effect. They led each party to the adoption of measures which it was not easy to justify: they provoked on the one side the extortion of charters, forced constructions of law, and unwarrantable severity of judgment from the bench; and on the other the false and factious votes of the house of commons, the arbitrary arrests of the individuals called abhorrers, and the disgraceful proceedings arising out of the imposture of Titus Oates. As far as regards despotic power, whatever might have been the inclination of Charles, he certainly was not the man to win it by force. To a prince of his indolent disposition, and attached so much to his own ease, the acquisition would not appear worth the trouble and the risk of the attempt. We are told by one who knew him well, by Barillon, in a confidential despatch to Louis XIV., that "he viewed such plans with reluctance; that he cared not much for additional authority; and that in reality his wish was to live at ease, and to improve his revenue\*."

With respect to his religion, if we believe two noble writers who were much in his company, the marquess of Halifax and Sheffield duke of Buckingham, he was in fact a deist; while others have represented him as a most accomplished hypocrite, who had embraced the catholic worship before the restoration, and yet for five-and-twenty years held himself out to his subjects as an orthodox protestant. Each of these assertions is incorrect. Charles never abandoned the belief of christianity, nor was he ever reconciled to the church of Rome before the eve of his death. If we compare his proceedings in consequence of the secret treaty of 1670 with his subsequent conduct in relation to his brother, whom he sought, with the aid of the bishops, to recall within the pale of the establishment, and in relation to his nieces, whom he took from their father that they might be educated in

\* D'Almy, App 142.

the protestant faith, and whom he married to protestants that he might secure a succession of protestant princes, we shall perhaps come to the conclusion that for the greater part of his reign he looked on religion as a political question, and cared little to which of the two churches he might belong. It is true that afterwards, in 1683, he gave to the subject more attentive deliberation\*; yet even then he did no more than deliberate, and never came to a decision till he learned from his physicians that in a few hours he would cease to live.

In conclusion it may be proper to remark that during his reign the arts improved, trade met with encouragement, and the wealth and comforts of the people increased. To this flourishing state of the nation we must attribute the acknowledged fact, that, whatever were the personal failings or vices of the king, he never forfeited the love of his subjects. Men are always ready to idolize the sovereign under whose sway they feel themselves happy.

Charles left no issue by his queen, Catherine of Portugal. Of his illegitimate children he acknowledged James duke of Monmouth, by Lucy Walters; Charlotte countess of Yarmouth, by Lady Shannon; Charles duke of Southampton, Henry duke of Grafton, George duke of Northumberland, and Charlotte countess of Lichfield, by the duchess of Cleveland; Charles duke of St. Albans, by Eleanor Gwyn; Charles duke of Richmond, by the duchess of Portsmouth; and Mary countess of Derwentwater, by Mary Davies.

\* James (*Memoirs*), i. 736



## NOTES.

## NOTE (A), Page 34.

*The letters patent by which Louis XIV. grants the domain of Aubigni to Mademoiselle de Querouaille, and after her to one of the illegitimate sons of Charles II., to be named by that prince.*

LOUIS, par la grace de dieu roi de France et de Navarre, à tous présens et à venir, salut. La terre d'Aubigni-sur-Nièvre, dans notre province de Berri, ayant été donnée dès l'année 1422, par le roi Charles VII., l'un de nos prédécesseurs, à Jean Stuart, comme une marque des grands et considérables services qu'il avoit rendus dans la guerre à ce roi et sa couronne, et cette donation ayant été accompagnée de condition que ladite terre d'Aubigni passerait de mâle en mâle à tous les descendants dudit Jean Stuart, avec reversion à notre couronne lorsque la branche masculine qui seroit venue de lui seroit éteinte, ce cas porté par lesdites lettres de donation est arrivé l'année dernière, par la mort de notre cousin le duc de Richemont, dernier de la ligne masculine dudit Jean Stuart. Mais, parceque cette terre ayant été, durant tant d'années, dans une maison qui avoit l'honneur d'appartenir de si près à notre très-cher et très-aimé frère le roi de la Grande-Bretagne, ledit Roi nous auroit fait témoigner qu'il seroit bien aise qu'à cette considération nous voulussions bien la faire passer à une personne qu'il affectionneroit, et rentrer après elle dans une maison qui fût encore unie par le sang à la sienne; qu'à ce sujet il nous auroit fait requérir que nous voulussions bien accorder nos lettres de donation de ladite terre d'Aubigni-sur-Nièvre à la dame . . . de Kerouel, duchesse de Portsmouth, pour passer après sa mort à tel des enfans naturels de notre frère le roi de la Grande-Bretagne qu'il

voudra nommer, sous les mêmes clauses et conditions que la même terre fut premièrement donnée par le Roi Charles VII. en 1422 au susdit Jean Stuart, et que ladite terre étant passée a tel fils naturel dudit Roi de la Grande-Bretagne qu'il aura voulu nommer, elle demeure audit fils naturel, et à ses descendants de mâle en mâle, avec droit de reversion à notre couronne, au défaut d'enfans mâles et par l'extinction de la ligne masculine, qui seroit sortie de lui. Comme nous embrassons avec plaisir les occasions qui se présentent de donner à notre dit frère le roi de la Grande-Bretagne des marques de notre amitié et de l'extrême considération que nous avons pour ce qu'il désire, et que nous avons aussi bien agréable qu'une terre qui étoit demeurée durant tant d'années dans une maison si illustre, retourne en quelque sort à son origine en passant un jour entre les mains d'un fils naturel de notre dit frère, nous avons bien voulu disposer de ladite terre d'Aubigni en la manière que nous avons été requis par notre susdit frère le roi de la Grande-Bretagne.

A ces causes, savoir faisons que de notre grace spéciale, pleine puissance, et autorité royale, nous avons à ladite dame . . . de Kerouel, duchesse de Portsmouth, et après elle à celui des fils naturels de notre dit frère le roi de la Grande-Bretagne qu'il nommera, et aux descendants mâles en ligne directe dudit fils naturel, donné, cédé, transporté, et délaissé, donnons, cédon, transportons, et délaissons par ces présentes signées de notre main, le fonds et propriété de la terre d'Aubigni, avec tous et un chacun ses droits, appartenances et dépendances, pour en jouir et user par ladite duchesse, et après son décès celui des fils naturels dudit roi de la Grande-Bretagne qu'il nommera, et les descendants mâles en droit ligne dudit fils naturel, comme de leur propre chose et loyale acquêt, tout ainsi que nous ferions, sans aucune chose en retenir et réserver à nous et à nos successeurs rois, que les foi et hommage, ressort et souveraineté, à condition toutefois que ladite terre d'Aubigni, avec ses appartenances et dépendances, retournera à notre domaine au défaut des mâles descendants en droite ligne du fils naturel qui aura été nommé par le susdit roi de la Grande-Bretagne.



Si donnons en mandement à nos amés et féaux les gens tenant notre cour de Parlement et chambre de nos comptes à Paris, que ces présentes lettres de don ils les aient à enregistrer, et du contenu en icelles faire jour et user pleinement, paisiblement et à toujours ladite dame . . . de Kerouel, duchesse de Portsmouth, et après elle le fils naturel que ledit roi de la Grande-Bretagne nommera, et les descendans mâles en droite ligne dudit fils naturel, cessant et faisant cesser tous troubles et empêchemens à ce contraires.

Car tel est notre plaisir: et afin que ce soit chose ferme et stable à toujours, nous avons fait mettre notre sceau à cesdites présentes, sauf en autre chose notre droit et l'autrui en toutes. Donné à Saint-Germain-en-Laye, au mois de Décembre, l'an de grace 1673, et de notre règne le trent-unième.

[This note and the last in volume XI. are extracts from Les Œuvres de Louis XIV.]

#### NOTE (B), Page 181.

On Feb. 11, 1679, Oates, and on Feb. 15, Bedloe, delivered in accounts of the expenses incurred by them "on occasion of the service of his majesty and the "kingdom." It is impossible to read them without admiring the effrontery of these men. Oates, an acknowledged pauper, had the face to insert the following charges. "*Item*, for a watch to present to the arch-bishop of Tuam when at Madrid, 8*l.* 10*s.*—*Item*, for "gloves and knives to present to the rector of St. Omers, 2*l.* 1*s.*—*Item*, for books which the jesuits had "of me, 40*l.*—Money owed to me by the jesuits, 80*l.*—"*Item*, my manuscript of the Alexandrian version of the "Septuagint, which I gave them, 50*l.*—*Item*, for my "expenses from the 17th of June to February 8, 336*l.* "16*s.*" Making with several other charges the sum of 678*l.* 12*s.* 6*d.* Bedloe's account is equally curious, but more moderate. It amounts only to 213*l.*—See Brief History, iii. 121—124.

London .  
Printed by W. Clowes and Sons  
Stamford street